

## Agenda

**Meeting: Planning and Regulatory Functions Committee**

**Venue: The Grand Meeting Room, Ground Floor, 1 Racecourse Lane, Northallerton, DL7 8QZ**

**Date: Tuesday, 10 September 2019 at 10.00 a.m.**

**PLEASE NOTE:** The Brierley Building (main County Hall building) is closed now until July 2020. All Committee meetings will be held in either No. 1 or No. 3 Racecourse Lane, Northallerton, DL7 8QZ. Please note the venue above for the location of this meeting. Visitors please report to main reception which is located in No. 3 Racecourse Lane and you will be guided to the venue.

Recording is allowed at County Council, committee and sub-committee meetings which are open to the public, please give due regard to the Council's protocol on audio/visual recording and photography at public meetings, a copy of which is available to download below. Anyone wishing to record is asked to contact, prior to the start of the meeting, the Officer whose details are at the foot of the first page of the Agenda. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive. <http://democracy.northyorks.gov.uk>

### Business

1. Minutes of the Meeting held on 23 July 2019.
2. Declarations of Interest.

(Pages 5 to 16)

### 3. Public Questions or Statements.

Members of the public may ask questions or make statements at this meeting if they have given notice of their question/statement to Steve Loach of Democratic Services (*contact details below*) by midday on Thursday 5 September 2019. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

Continued overleaf/...

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes); or
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman, who will instruct anyone who may be taking a recording to cease while you speak.

### County Matters

4. **(NY/2018/0244/FUL)** - Erection of four rectangular kiosks (59 sq. metres), feed pumping stations (29 sq. metres), tertiary solids capture unit (72 sq. metres), sludge holding tank (100 sq. metres), internal access track and hardstanding (970 sqm) and installation of 2.4 m high access gate and 2.4 m high green weld mesh fence at Borrowby Waste Water Treatment Works, Bob Lane, Borrowby  
**(Pages 17 to 46)**
5. **C6/500/277/CMA - (NY/2015/0306/ENV)** - Planning Application accompanied by an Environmental Statement for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme at Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT  
**(Pages 47 to 109)**

### General

6. **Items dealt with under the Scheme of Delegation** **(Pages 110 to 113)**
7. **Proposed Site Visit – Went Edge Quarry, Kirk Smeaton**
8. **Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances.**

**PLEASE NOTE:-**

**Should it become apparent that the meeting will extend into the afternoon a lunch break will be taken at around 1.00pm**

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)  
County Hall  
Northallerton

September 2019

**NOTES: Emergency procedures for Meetings**

**Fire**

Details are provided at the venue.

**Accident or Illness**

First Aid treatment can be obtained by telephoning Extension 7575.

# Planning and Regulatory Functions Committee

## 1. Membership

County Councillors (11)						
	<i>Councillors Names</i>				<i>Political Party</i>	
1	BLADES, David (Vice-Chairman)				Conservative	
2	BROADBENT, Eric				Labour	
3	HESELTINE, Robert				Independent	
4	HUGILL, David				Conservative	
5	JORDAN, Mike				Yorkshire Party	
6	McCARTNEY, John				NY Independent	
7	METCALFE, Zoe				Conservative	
8	MUSGRAVE, Richard				Conservative	
9	PEARSON, Chris				Conservative	
10	PEARSON, Clive				Conservative	
11	SOWRAY, Peter (Chairman)				Conservative	
<b>Total Membership – (11)</b>				<b>Quorum – (3)</b>		
<b>Con</b>	<b>Lib Dem</b>	<b>NY Ind</b>	<b>Labour</b>	<b>Ind</b>	<b>Total</b>	
<b>8</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>11</b>	

## 2. Substitute Members

<b>Conservative</b>		<b>Labour</b>	
	<i>Councillors Names</i>		<i>Councillors Names</i>
1	WELCH, Richard	1	RANDERSON, Tony
2	JEFFELS, David	2	
3	SWIERS, Roberta	3	
4	LUNN, Clifford		
5	GOODRICK, Caroline		
<b>NY Independent</b>			
	<i>Councillors Names</i>		
1			
2			
3			
4			
5			

## North Yorkshire County Council

### Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on 23 July 2019 at 10.00 am.

**Present:-**

County Councillors Peter Sowray (Chairman), David Blades, Eric Broadbent, Robert Heseltine, David Hugill, Mike Jordan, John McCartney, Richard Musgrave, Chris Pearson, and Clive Pearson.

County Councillor Stuart Martin was in attendance.

There were 3 members of the public present.

---

**Copies of all documents considered are in the Minute Book**

---

**89. Minutes**

**Resolved -**

That the Minutes of the meeting held on 2 April 2019, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

**90. Declarations of Interest**

There were no declarations of interest.

**91. Public Questions or Statements**

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, apart from the people who had registered to speak in respect of the applications below, and who would be invited to do so during consideration of those Items, there were no questions or statements from members of the public.

**92. C4/19/00523/CMA – (NY/2019/0016/73A) - Variation of Condition Nos. 19 & 20 & of Planning Permission Ref: C6/500/109/F/CMA to enable Asphalt Operations to continue until 21:00 hours Monday to Friday until 31 December 2021 at Pateley Bridge Quarry (Coldstones), Greenhow Hill, Pateley Bridge, Harrogate**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application to enable asphalt operations and HGV movements to continue until 21:00 hours Monday to Friday (from the current end time of 18:00 hours) until 31 December 2021 at Pateley Bridge Quarry.

The application was subject to objections having been raised in respect of the proposal on the grounds of residential amenity and was, therefore, reported to the Committee for determination.

Mr. Jack Tregoning, Land and Planning Manager for Hanson UK, acting on behalf of the applicant, addressed the Committee and highlighted the following:-

- A balanced, reasonable assessment had been undertaken by Planning Officers and, based on this, it was being recommended that the proposal be approved.
- The reason why the company was seeking an increase in the hours of operation at the Pateley Bridge site was to ease the pressure on the Leeds and Bradford sites, which operated for 24 hours a day, 7 days a week. The additional hours at Pateley Bridge, for this temporary period, until 31 December 2021, would enable vital maintenance and repair work to be undertaken at the other sites.
- The additional hours were not being requested beyond 2021 as operations in the northern part of the site would be relocated elsewhere on the site by 31<sup>st</sup> December 2021 and the new asphalt plant would have a smaller capacity and would not require working beyond 18:00 hours.
- The Highways Authority preferred an extension to be at night time as it would be less disruptive.

Mr. Francis Brown, a local resident, had submitted a statement against the application, which the representative of the Assistant Chief Executive (Legal and Democratic Services) read out, as follows:-

*“My apologies to all parties, recent abdominal surgery makes it impossible to speak in person. Relevant to the Application, I am a chartered surveyor consulting on environmental matters and I act for the Environment Agency among others.*

*I have lived in Greenhow with the quarry for almost 30 years, never previously having objected to its many planning applications. However, the latest Application is exceptional (and in my professional opinion the Officers Report and Recommendations are materially flawed) in these main respects:*

1, **Increased environmental impact**

*Noxious and contaminative asphalt operations are incompatible with situation in a residential village, in an Area of Outstanding Natural Beauty (Nidderdale AONB has objected), adjoining three Sites of Special Scientific Interest and on the boundary of a National Park. Such operations continue because of informal use rights established during the less enlightened previous century and would not today be permitted if not already extant. Any intensification would be inconsistent with national and local planning policies and would defy common sense unless offset by yet more important considerations. Asphalt is not a scarce commodity and the only consideration cited by the Applicant is slightly improved operational efficiency – the Application is not material to overall viability or to employment levels.*

2. **Disturbance to Greenhow village beyond reasonable business hours**

*In its 2011 planning consent the Council stated these Reasons for imposition of the subject Conditions 19 & 20: “To ensure minimum disturbance from operations and avoid nuisance to the local community.” Unless those Reasons now matter less than in 2011 then there is no justification for relaxing the Conditions – I suggest that today’s improved environmental awareness means such concerns matter more than in 2011.*

### 3 **Further compromising Road Safety**

*Consent to operate until 21:00 hrs will result in HGVs (already a cause of many complaints to the quarry) returning to their Hebden depot perhaps as late as midnight following deliveries elsewhere. It is irrelevant whether those HGV movements are through Greenhow (albeit most will be through Greenhow – toothless and unenforceable “turn left” signage will not prevent return journeys) and HGV’s will routinely pass along un-lit, rural, B and C class roads late at night, after dark, frequently in bad weather and at points (e.g. the junction of Duck Street Lane with B6265) on the wrong side of the carriageway, opposing oncoming traffic at a blind summit. Tragedies in waiting.*

*I respectfully suggest a site visit essential to proper appreciation of the circumstances and shall be pleased to amplify any aspect. In any event I request the Committee to refuse consent and put the needs of an increasingly scarce upland environment and of its residents before vague business aspirations.”*

A representative of the Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

Officers had concluded that, on balance, the impact on residents and the local environment was acceptable as the asphalt plant would be operating the extended hours on limited occasions and for a temporary period, reverting back to a finish at 18:00 hours at the end of the prescribed period.

It was also considered that the proposal to extend the hours for HGV movements would not cause an unacceptable impact on the highway or residential amenity as the number of movements was low; drivers would be encouraged to drive safely and the occasions when extended working occurred would be conditioned and be for a limited period, reverting back to a finish at 18:00 hours at the end of the prescribed period.

The number of occasions when it was proposed that the site would be operational between 18:00 hours and 21:00 hours would be no more than 100 in any calendar year, which would further lessen the impact on the local community and the environment.

Members undertook a discussion of the application and the following issues and points were raised:-

- A Member stated that there was reference to a “history of complaints”. Was there a history of complaints since 2011, when the original planning application had been approved? In response, the representative of the Head of Planning Services advised that no complaints had been received by the Environmental Health Officer at Harrogate Borough Council.
- A Member referred to one of the letters of representation which raised an objection on the grounds of HGVs returning to Greenhow very late at night. How could officers ensure that this did not occur? The representative of the Head of Planning Services advised that HGVs would be routed through Grassington and Skipton.

**Resolved -**

That the application be approved for the reasons stated within the report and subject to the conditions detailed.

- 93. C2/19/00070/CCC (NY/2018/0244/FUL) - Erection of four rectangular kiosks (59 sq. metres), feed pumping stations (29 sq. metres), tertiary solids capture unit (72 sq. metres), sludge holding tank (100 sq. metres), internal access track and hardstanding (970 sq metres) and installation of 2.4 metre high access gate and 2.4 metre high green weld mesh fence at Borrowby Waste Water Treatment Works, Bob Lane, Borrowby**

Considered –

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application at Borrowby Waste Water Treatment Works, Borrowby, as outlined above.

The application was subject to an objection from a local resident having been raised in respect of this proposal on the grounds of loss of privacy and visual impact and was, therefore, reported to the Committee for determination.

Mr. Robert Warren, from Arcus Consulting Ltd., the Agent for the applicant, spoke to the Committee and outlined the following:-

- The purpose of the new facilities was to reduce the discharge of phosphorous from the treatment works in accordance with the requirements of the Environment Agency's National Environment Programme.
- The development was necessary as the Environment Agency had said all water companies in England and Wales must reduce phosphorous in waste water to below 1.0 mg/l by the end of March 2020.
- The programme represented a significant package of works which would improve the water environment across a large part of North Yorkshire.
- The process to be used was based on conventional removal techniques. The upgrading works also included replacement of existing sampling points to facilitate improved monitoring and control of the treatment process.
- The tallest structure at the development was the Tertiary Solids Capture Unit which was 4.8m high, including a hand rail.
- Most of the development was screened by existing hedgerows and trees and there would be a landscaping scheme with additional trees and hedgerow to screen the site from Borrowby village to the east and the Public Right Of Way along Bob Lane to the north.
- The new boundary fence, kiosks and equipment would be finished in a recessive dark green colour, where possible. This would assist the integration of the built elements with the landscaping scheme and so reduce their visibility further.
- The landscape planting would be done during the autumn and winter and be subject to a 5 year maintenance programme to ensure it became established.



- Yorkshire Water has agreed to maintain the height of the hedgerow along the eastern boundary of the site to a minimum of 2 metres.
- A visualisation submitted to the County Council illustrated that, one year after the implementation of the landscaping scheme, the only visible part of the scheme would be the steel safety hand rail on top of the Tertiary Solids Capture Unit.
- The nearest residential properties to the site were located approximately 120 metres to the east of the site boundary and on the edge of Borrowby. In terms of visual amenity, the development and the Tertiary Solids Capture Unit would not be a dominant or overbearing feature in views of the Site once the landscaping scheme had been implemented and established.
- The design of the development was consistent with and compatible to the existing treatment works.
- The development accorded with the National Planning Policy in the form of the National Planning Policy Framework and associated Planning Policy Guidance as well as the relevant saved policies of the North Yorkshire Waste Local Plan and Hambleton Local Development Framework. It was also consistent with the emerging Minerals and Waste Joint Plan.
- The minor impacts of the development were clearly outweighed by the social and environmental benefits to be obtained and, therefore, on behalf of Yorkshire Water, Arcus Consulting respectfully requested that the application be approved.

A representative of the Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report.

The representative of the Head of Planning Services advised that, since publication of the report, officers had visited the site and there had been some revisions. These were highlighted in the amended plans that were on display at today's meeting and primarily involved showing the correct site layout as built. Amended plans and information were also awaited to show the correct landscape mitigation photomontages and height of the Tertiary Solids Capture Unit, as the Tertiary Solids Capture Unit had also been constructed 30 cm below ground level. The applicant had also agreed to paint the Tertiary Solids Capture Unit frame.

It was further proposed that the Landscaping Condition be amended to specify the exact date for the planting in order to establish screening. It was also proposed that a further Condition be added in relation to maintaining the height of the hedge at 2 metres.

The representative of the Head of Planning Services highlighted that the application was part retrospective in that the majority of the development had been constructed. The access gate and weld mesh fence had not yet been constructed.

Officers concluded that the material planning considerations covered in the report supported this application and that the changes in the layout as built did not change the conclusions of the report.

In response to clarification sought from the Chair, Mr Warren confirmed that the painting work would also include the guard rail.

The Head of Planning Services clarified that the wording of the Condition relating to the landscaping would need to be amended. Members would need to have that revised wording to consider.

Members undertook a discussion of the application and, in particular, the landscaping.

- A Member commented that it was disappointing that a company of the size and reputation of Yorkshire Water was making an application retrospectively.
- A Member queried whether, in view of the fact that the application was retrospective, it would be possible for the Committee to approve the application at this meeting and delegate the wording of the revised Condition to the Head of Planning Services to determine?

The representative of the Assistant Chief Executive (Legal and Democratic Services) advised Members that all of the information should be before them when making their decision and that would include the Conditions. The Conditions were being amended and extended and the revised wording was not available. The Committee's decisions should be clear and transparent. Therefore, she advised Members that they should consider deferring this application until the revised suite of Conditions was presented to them for consideration.

#### **Resolved -**

That the application be deferred, pending a revised suite of Conditions incorporating changes to the landscaping elements.

- 94. C6/19/00151/CMA - (NY/2018/0278/FUL) - Extension and refurbishment of existing Artificial Grass Pitch to form a floodlit 3G Artificial Pitch (6355 sq. metres), erection of 4.5 metre high mesh perimeter ball stop fencing and 3 metre high entrance gates, 2 metre high mesh perimeter barrier fencing and 1.2 metre high entrance gates, 8 No. 15 metre high lighting columns, 9 No. low level pedestrian lighting bollards, erection of a steel storage container, creation of hard standing and level approach (302 sq. metres) and hard and soft landscaping works at King James School, King James Road, Knaresborough**

#### **Considered -**

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application at King James School in Knaresborough, as outlined above.

The application was subject to six objections having been raised on the grounds of light pollution, noise nuisance, traffic and parking, hours of operation, flooding and security and was, therefore, reported to the Committee for determination.

Mr, Justin Waters, Director of Business Services and Sharon Cawkwell-Brown, Business Services Assistant at the School, addressed the Committee and highlighted the following:-

- The school had secured a grant of £475,000 to upgrade the existing floodlit pitch which was nearing the end of its life.

- Parents of pupils at the school had raised thousands of pounds in fundraising.
- This application was not about securing a facility for boys; it would be a truly inclusive community resource for everyone and would be part of the development of a community hub.
- Ample parking was available at the school to mitigate objections raised about parking by users of the facility on residential roads.
- The facility would provide a sustainable resource.
- The school had worked closely with the Police to produce a Security Management Plan.

A representative of the Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report.

The representative of the Head of Planning Services reported that, since publication of the report, the school had advised that construction access was proposed from the south of the development, rather than the north, which had been the original intention. This would provide more direct access to the site.

Officers concluded that there were no material planning considerations to warrant refusal of this application. The proposed development had the potential to impact upon local amenity but the impact was not considered adverse due to the proposed mitigation measures. Also, the proposal was in keeping with the character of the existing school building and would not significantly impact upon the character of the school site or surrounding area.

A number of Members spoke in support of the application, commenting that similar schemes in their area were successful and had not caused any issues.

**Resolved -**

That the application be approved for the reasons stated within the report and subject to the conditions detailed.

- 95. C5/2019/20294/NYCC – (NY/2019/0036/FUL) - Installation of 1.2 metre high black weld mesh fencing on top of existing stone boundary wall (total height 2.1 metre) and the blocking up of the existing pedestrian gateway/stepped access using matching stone at Water Street Community Primary School, Elliot Street, Skipton**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application at Water Street Community Primary School, as outlined above.

The application was subject to one objection having been raised by a local resident in respect of this proposal on the grounds of impact on residential amenity and was, therefore, reported to this Committee for determination.

A representative of the Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report.

Officers concluded that the proposed development would not have an adverse impact on the amenity of adjoining residents and that there were no material planning considerations to warrant refusal of the application.

Members undertook a discussion of the application and the following issues and points were raised:-

- A Member referred to reference within the report to “objections”. Did this mean that there was more than one objection to the application? The representative of the Head of Planning Services confirmed that just one objection had been received.
- A Member advised that he had not heard anything from the local Councillor about this. An objector had contacted him but he had not heard from them further. It was a reflection on society that a fence was required to keep out those whose intentions were not good.

**Resolved -**

That the application be approved for the reasons stated within the report and subject to the conditions detailed.

96. **C6/19/01378/CMA – (NY/2019/0043/FUL) - Erection of single storey classroom extension (280 sq. metres), erection of glazed walkway canopy (43 sq. metres), demolition of existing corridors (64 sq. metres), hard-standing area and vehicle pick up and drop off area with extended car parking (1433 sq. metres) installation of 1.8 metre green weld mesh site security perimeter fencing, and 1.8 metre high gates, widening of access road, creation of footpaths, erection of 10 No. 6 metre high lighting columns, 6 No. 4 metre high lighting columns, 3 No. 1 metre high lighting bollards, 16 No. external fixed mounted lighting, removal of trees and hard and soft landscaping at Moorside Infant & Junior School, Harrogate Road, Ripon**

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application at Moorside Infant and Junior School, as outlined above.

The application was subject to five objections having been raised in respect of this proposal on the grounds of light pollution, noise nuisance, loss of trees and visual impact and was, therefore, reported to this Committee for determination.

County Councillor Stuart Martin addressed the Committee, on behalf of local residents and stated that:-

- The residents were generally supportive of the application but there was concern about the proposed lighting columns, the height of which was very high.
- It was acknowledged that the applicant and officers had worked to address many of the concerns raised, but it was requested that further consideration be given to reducing the height of the lighting columns. A reduction from 6 metres to 1 metre, whilst still providing security, would reduce the impact on residents.

Claire Rowett, Head Teacher, at Moorside Primary School and Nursery, then addressed the Committee and made the following points:-

- The plans would improve the provision for children aged 3-11 and provide a safe site to enhance education health and wellbeing for the wider community.
- Hours of use and timings of the school day would be unchanged, with most children arriving on site at 8.40 a.m. and extra-curricular clubs ending by 4.30 p.m.
- The school would continue to provide a wrap-around club on the same basis, as it had done over the past 4 years to support working parents in the community.
- The school allowed some limited use of the forest school area during the holidays to support wellbeing for families in Ripon. This would continue.
- The school also allowed use of the hall for weekly fitness sessions once per week during term time. This would continue, although restrictions placed on the new car park arrangements would not support the school in delivering the desired provision.
- The car park on the Primary School site was the only area for staff parking, as the previous Infant car park would belong to Mowbray School, as it has been through current practice. Restrictions to the hours of parking could inhibit the functioning of the school.
- The plans for lighting in the car park should help provide a safer environment for staff during winter and ensure that Health and Safety requirements were met.
- The benefits of providing a through-Primary school on one site were many and the project was timed to ensure the youngest people were in a safe environment where they would thrive. The school would liaise closely with their community and limit interruptions and disturbance, but it still had to be able to function as a school.
- Any changes imposed to the current operating regime for the school would have a significant adverse impact on the children and the local community.

John S Lee, Strategic Planning Officer, Children and Young People's Service at North Yorkshire County Council, also addressed the Committee and made the following points:-

- The County Council's Executive Member for Education and Skills had approved, in March 2019, school organisation proposals to amalgamate Moorside Infant and Junior Schools to create a single primary school for children aged 3 to 11 on the Junior School site.
- The proposal to amalgamate was supported by the School Governors and by responses made from parents and public during the consultation in autumn 2018.

- This application would enable the capital works to be carried out to adapt the Junior School building.
- The Executive Member for Education and Skills had also approved, in March 2019, the creation of satellite specialist provision from Mowbray School at Bedale on the Moorside Infant School site.
- The proposal to use the Moorside Infant School for satellite specialist provision from Mowbray School would achieve the aim in the County Council's Strategic Plan for Special Education Needs and Disability (SEND) Education Provision 2018 – 2023.
- The proposed provision would enable more children with SEND to be educated closer to their home, and deliver a more efficient use of County Council resources, compared to using independent providers.
- The application would create parking and drop-off for the satellite provision.
- In response to concerns about traffic and parking, plans include for the existing Junior School car park to be reconfigured and extended to provide parking bays for members of staff. The existing car park and enclosed play area at the former Infant School would be replaced with a new car park area for members of staff, and a drop-off loop for vehicles transporting pupils from Mowbray School.
- The original scheme has been amended in response to the planning objections, and the revised scheme would retain two of the trees, reconfigure the car park and the planting of replacement trees.
- The original scheme had also been amended to reduce the height of some lighting columns. The Head Teacher of Mowbray School had confirmed that there were likely to be minimal evening events taking place at the Ripon satellite. The amended scheme would ensure a safe environment for parents and staff.
- The planning application would provide a refurbished and extended building for Moorside Primary School, helping the school to offer a consistent and continuous high quality provision. It would also help to create a new specialist provision for children with a wide range of complex Special Educational Needs in Ripon.

A representative of the Head of Planning Services presented the Committee report highlighting the proposal, the site description, the consultations that had taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations.

Detailed plans, photographs and visual information were presented to complement the report. Issues from the report were highlighted specifically to address the concerns that had been expressed during the public statements.

The representative of the Head of Planning Services reported that, since the report had been published, an email had been received from a local resident referring to the disturbance and disruption and the effect that this was having on her quality of life and health and wellbeing, due to the smell of fumes from the plant equipment and the noise.

Officers did not consider it was necessary to reduce the height of the lighting columns due to the boundary treatment, whereby the trees would provide screening.

Officers concluded that, overall, the application would not have a significant adverse impact on the local amenity or the highway network and that there were no material planning considerations to warrant the refusal of this application.

Members undertook a discussion of the application and the following issues were raised:-

- A Member referred to the second informative in Condition 15, which stated that the external lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light. Would the lighting still be compliant with this guidance if the height of the columns was reduced? The representative of the Head of Planning Services confirmed that it would be compliant but they could not be reduced further or more lighting columns would be required.
- A Member commented that a balance had to be struck between health and safety factors and the impact upon local residents.
- A Member sought clarification as to the height of the lighting columns 1 and 1A. The representative of the Head of Planning Services confirmed these were proposed to be 6 metres high.

**Resolved -**

That the application be approved for the reasons stated within the report and subject to the conditions detailed.

**97. Items dealt with under the Scheme of Delegation**

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 23 April 2019 to 23 June 2019, inclusive.

**Resolved -**

That the report be noted.

**98. Publication by Local Authorities of Information about the handling of Planning Applications – 2018/19, Quarter 4 (Period 1 January to 31 March 2019) and 2019/20, Quarter 1 (1 April to 30 June 2019)**

Considered -

The reports of the Corporate Director - Business and Environmental Services which outlined the County Council's performance in the handling of County Matter and County Council Development Planning Applications for the year 2018/19, Quarter 4 (the period 1 January to 31 March 2019) and 2019/20, Quarter 1 (the period 1 April to 30 June 2019).

The Head of Planning Services advised that the years identified within tables 3, 4 and 5 on page 170 of the published papers for the meeting should read 2019/20 (not 2018/19) and, on the same page, the number 3, within tables 3 and 4, under column "Quarter 4", should be deleted.

A Member referred to page 154 of the published papers and enquired why the number of complaints received was so low, compared to previous figures? The Head of Planning Services advised that a number of complaints remained under investigation and these would be reflected in the figures for the next report to Committee.

**Resolved -**

That the reports be noted.

**99. Went Edge Quarry, Kirk Smeaton**

The Chair agreed that this Item be considered as urgent business in order to enable a Member to advise the Committee of a request from Parish Councils for a site visit, in view of concerns they had relating to a forthcoming application from Went Edge Quarry in Kirk Smeaton.

Councillor McCartney, the local Councillor for the area, said that a planning application for a large extension to the quarry would be submitted later this year. Councillor McCartney added that:-

- Many complaints had been received about the quarry since it had opened in 1948.
- The quarry sat next to a site of scientific interest and the proposal would bring its operations right to the edge of the village of Kirk Smeaton, impacting on the communities of both Kirk Smeaton and Little Smeaton.
- As a result, the two Parish Councils would appreciate a site visit from the Committee.

The representative of the Head of Planning Services advised that it was anticipated this application would come before Committee in November 2019 and suggested that, if Members agreed that a site visit be undertaken, this should occur two/three weeks beforehand.

**Resolved -**

That a site visit for Members of the Committee be arranged ahead of consideration by the Committee of the application by Went Edge Quarry in Kirk Smeaton.

The meeting concluded at 12.15 p.m.

PD



**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**10 September 2019**

**C2/19/00070/CCC – PART RETROSPECTIVE PLANNING APPLICATION FOR THE PURPOSES OF THE ERECTION OF FOUR RECTANGULAR KIOSKS (59 SQ. METRES), FEED PUMPING STATIONS (29 SQ. METRES), TERTIARY SOLIDS CAPTURE UNIT (72 SQ. METRES), SLUDGE HOLDING TANK (100 SQ. METRES), INTERNAL ACCESS TRACK AND HARDSTANDING (970 SQM) AND INSTALLATION OF 2.4 M HIGH ACCESS GATE AND 2.4 M HIGH GREEN WELD MESH FENCE ON LAND AT BORROWBY WASTE WATER TREATMENT WORKS, BOB LANE, BORROWBY, YO7 4QS, ON BEHALF OF YORKSHIRE WATER (HAMBLETON DISTRICT) (THIRSK ELECTORAL DIVISION)**

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

**1.0 Purpose of the report**

- 1.1 To determine a part retrospective planning application for the erection of four rectangular kiosks (59 sq. metres), feed pumping stations (29 sq. metres), tertiary solids capture unit (72 sq. metres), sludge holding tank (100 sq. metres), internal access track and hardstanding (970 sqm) and installation of 2.4 m high access gate and 2.4 m high green weld mesh fence on land at Borrowby Waste Water Treatment Works, Bob Lane, Borrowby, YO7 4QS on behalf of Yorkshire Water.
- 1.2 This application is subject to an objection from a local resident having been raised in respect of this proposal on the grounds of loss of privacy and visual impact and is, therefore, reported to this Committee for determination.

**2.0 Committee Update**

- 2.1 Members will recall that the application for the erection of kiosks and ancillary development at Borrowby Waste Water Treatment Works was originally reported to the 23 July Planning and Regulatory Functions Committee at which it was deferred to allow for the finalisation of amended landscaping conditions and further information, as the development has been built slightly differently from the original submitted plans. A revised plan was available at 23<sup>rd</sup> July Planning and Regulatory Functions Committee, however further detail was needed in relation to some elements.
- 2.2 Following discussions, further details have now been submitted to correctly show the Tertiary Solids Capture (TSC) Unit as built, as it has been recessed 30 centimetres into the ground and has been constructed with the stairs to the front of the unit, making the footprint more compact than the original drawing which showed the stairs going around its rear. The height of this unit is also lower than previously shown as it is 4.79m tall and therefore its height from ground level is 4.49m, as it is recessed. An amended layout plan has been submitted to show the site as built and an amended landscaping plan has also been updated to show the site as built. Corrected photomontages have also been submitted to show the landscaping after 1 year without the temporary blue storage unit. Finalised landscaping conditions have also

been agreed in relation to the painting of the TSC unit and the height of the hedge, when mature, has been confirmed as being maintained at a minimum height of 2 metres. It has been confirmed that the fence has not yet been constructed as it will be installed after the tree planting, which is scheduled for October or November 2019.

2.3 These amendments have been considered in relation to the conclusions of the 23<sup>rd</sup> July report, and in relation to the situation on site. It is considered that the conclusions remain the same and therefore this report must be read in conjunction with the Committee Report dated 23<sup>rd</sup> July 2019 as submitted to the July Committee and attached to this report as Appendix 1. It is therefore considered that the material planning considerations in the Appendix 1 report support this part retrospective application for the erection of four rectangular kiosks (59 sq. metres), feed pumping stations (29 sq. metres), tertiary solids capture unit (72 sq. metres), sludge holding tank (100 sq. metres), internal access track and hardstanding (970 sqm) and installation of 2.4 m high access gate and 2.4 m high green weld mesh fence.

2.4 For the reasons mentioned above and in Appendix 1, 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. It is therefore recommended that planning permission be granted.

### 3.0 Recommendation

3.1 For the following reasons:

- i.) The principle of development is necessary as an element of the local sewerage infrastructure and is in conformity with Waste Local Plan 'saved' policy 7/2;
- ii.) The development is required in order to meet required standards in relation to waste water;
- iii.) The development would have minimal impact upon local amenity and environmental quality in conformity with Waste Local Plan 'saved' policies 4/19 and 7/2 and Hambleton Local Development Framework policies DP1 and DP44;
- iv.) The proposal is consistent with the NPPW (2014); NPPF (2019); PPG guidance (2014); 'saved' policies of the North Yorkshire Waste Local Plan (adopted 2006) and policies of the Hambleton Local Development Framework (adopted 2007) and policy W08 of the emerging Minerals and Waste Joint Plan.

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

Conditions:

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

*Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the application details dated 26<sup>th</sup> October 2018 and the following approved documents and drawings:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
BRB-NOM-01-GF-DR-PDW-00006 REV A4	09/08/2019	Tertiary Solids Capture Unit Planning Drawing

3006-DR-LAN-101 Rev E	14/08/2019	Detailed Landscape Proposals
3006-REP-033	15/10/2018	Site Location Plan Figure 001
BRB-NOM-00-01-DR-PDW-00005 Rev A2	20/09/2018	Existing Site Layout
BRB-NOM-00-01-DR-PDW-00004 Rev A3	22/07/2019	Proposed Site Layout
BRB-NOM-00-01-DR-PDW-00001 Rev A1	18/07/2018	Ferric Dosing Kiosk Planning Drawing
BRB-NOM-00-01-DR-PDW-00002 Rev A1	11/07/2019	Caustic Dosing Kiosk Planning Drawing
BRB-NOM-00-01-DR-PDW-00003 Rev A2	20/09/2018	MCC Kiosk Planning Drawing
BRB-NOM-00-01-DR-PDW-00008	20/09/2018	Sludge Tank Planning Drawing
D5877	02/11/2018	Model Sample Kiosk
BRB-NOM-01-GF-DR-PDW-00010 Rev A1	27/11/2018	PST Feed Pumping Station
BRB-NOM-01-GF-DR-PDW-00011 Rev A1	27/11/2018	Tertiary Solids Capture Unit Feed Pumping Station Planning Drawing
BRB-NOM-01-F-DR-PDW-00009 Rev A2	27/11/2018	Fence Layout Planning Drawing
Planning Statement	October 2018	Planning Statement
Appendix 1	October 2018	Ecological Appraisal Borrowby STW
Appendix 2 (Cultural Heritage Report Number 93)	October 2018	Archaeological Desk-Based Assessment and Setting Appraisal
Appendix 3	October 2018	Noise Impact Assessment
Appendix 4	October 2018	Odour Assessment
Appendix 5	October 2018	Flood Risk Assessment
Appendix 6	October 2018	Non-Residential Coal Mining Report
Screenshot 2019-07-11	11/07/2019	Screenshot of Temporary wheelwash location
3006_Borrowby_Landscape Visual Assessment Viewpoint Sheets_v2	14/08/2019	Figure 1: Photomontage From Current View From Upstairs Window Of Property At Fernlea (Single Frame) YW Phase Kiosks Phase 2 - Borrowby
3006_Borrowby_Landscape Visual Assessment Viewpoint Sheets_v2	14/08/2019	Figure 2: Photomontage From Current View From Upstairs Window Of Property At Fernlea (Panorama) YW Phase Kiosks Phase 2 - Borrowby

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

3. Construction work to be restricted to 07.00 – 18.00 hours Mondays to Fridays; 08.00 – 13.00 on Saturdays and no works to be carried out on Sundays and Bank Holidays.

*Reason: In the interests of public amenity.*

4. Landscaping and temporary tree protection of the site shall be carried out in accordance with drawing 3006-DR-LAN-101 Rev E - 'Detailed Landscape Proposals'. The planting scheme shall be implemented between November 2019 and the end of January 2020. Trees/hedges and shrubs planted in accordance with this scheme shall be protected for a period of 5 years against damage or failures and any such occurrences shall be replaced with trees or bushes of such size and species as may be specified by the County Planning Authority, in the planting season immediately following any such occurrences for a period of 5 years to ensure their establishment. Planted areas shall be managed in accordance with good forestry practice for a period of 5 years from the date of decision.

*Reason: To ensure appropriate screening of the development in the interests of amenity and visual impact and to protect the ecological and wildlife interests of the area.*

5. The proposed hedge at the site to the eastern boundary on the site access, once fully established, shall be maintained at a minimum height of 2 metres for the life of the development.

*Reason: To ensure appropriate screening of the development in the interests of amenity and visual impact.*

6. The stairs and frame of the Tertiary Solids Capture unit shall be painted Holly Bush Green (BS4800, shade 14-C-39) within 2 months of the date of the planning permission and the unit must continue to be maintained as such for the duration of the life of the development.

*Reason: To enhance the visual appearance of the unit so as to safeguard the character of the site in the interests of visual amenity.*

#### Informatives

##### *HI-12a INFORMATIVE - PUBLIC RIGHTS OF WAY*

*The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.*

*Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.*

**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

Background Documents to this Report:

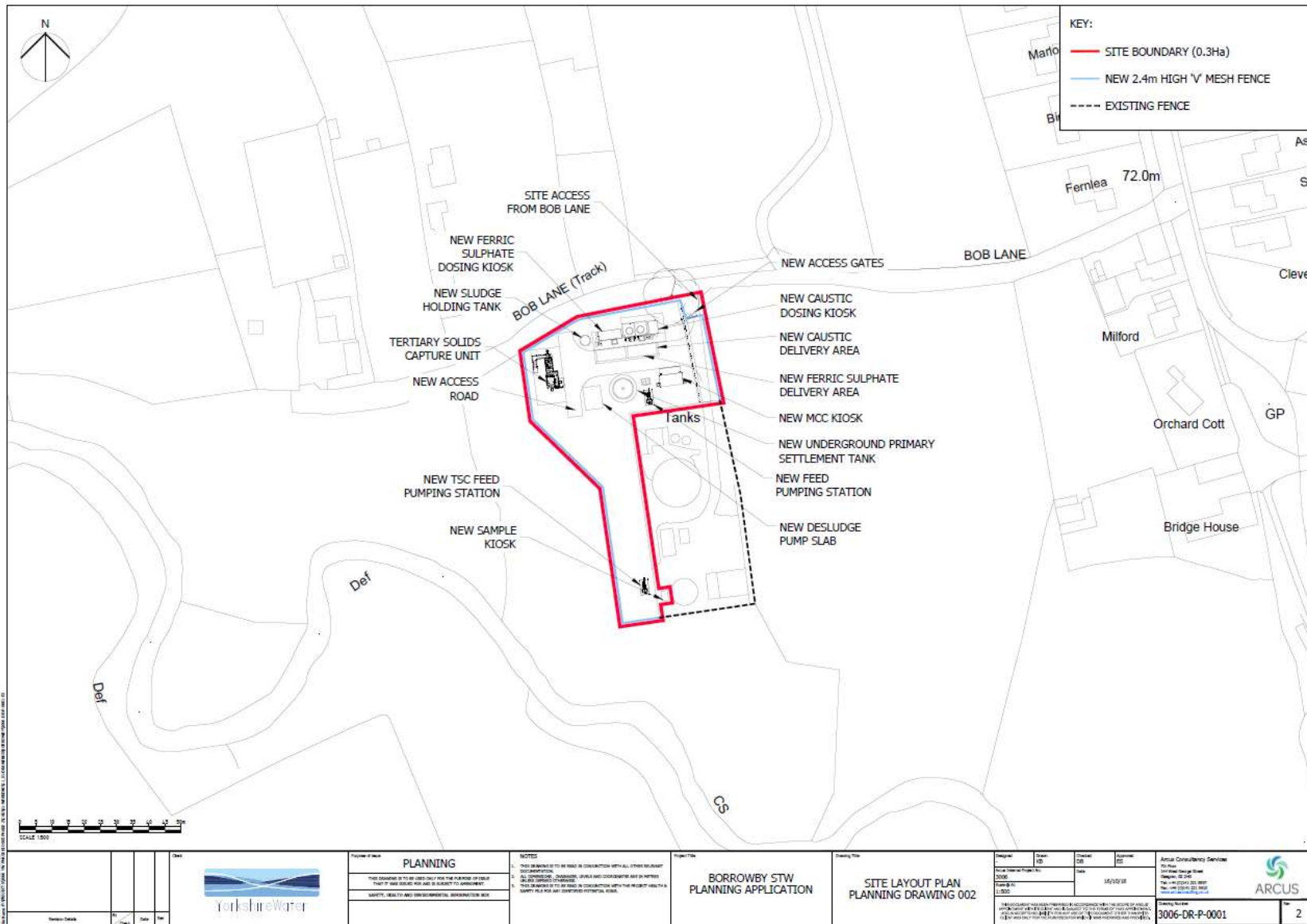
1. Planning Application Ref Number: NY/2018/0244/FUL registered as valid on 4/12/2018. Application documents can be found on the County Council's Online Planning Register by using the following web link:

<https://onlineplanningregister.northyorks.gov.uk/register/>

2. Consultation responses received.

3. Representations received.

Author of report: Leo Oliver



## North Yorkshire County Council

## Business and Environmental Services

## Planning and Regulatory Functions Committee

23 JULY 2019

**C2/19/00070/CCC - PLANNING APPLICATION FOR THE PURPOSES OF THE ERECTION OF FOUR RECTANGULAR KIOSKS (59 SQ. METRES), FEED PUMPING STATIONS (29 SQ. METRES), TERTIARY SOLIDS CAPTURE UNIT (72 SQ. METRES), SLUDGE HOLDING TANK (100 SQ. METRES), INTERNAL ACCESS TRACK AND HARDSTANDING (970 SQM) AND INSTALLATION OF 2.4 M HIGH ACCESS GATE AND 2.4 M HIGH GREEN WELD MESH FENCE ON LAND AT BORROWBY WASTE WATER TREATMENT WORKS, BOB LANE, BORROWBY, YO7 4QS ON BEHALF OF YORKSHIRE WATER (HAMBLETON DISTRICT) (THIRSK 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 erection of four rectangular kiosks (59 sq. metres), feed pumping stations (29 sq. metres), tertiary solids capture unit (72 sq. metres), sludge holding tank (100 sq. metres), internal access track and hardstanding (970 sqm) and installation of 2.4 m high access gate and 2.4 m high green weld mesh fence on land at Borrowby Waste Water Treatment Works, Bob Lane, Borrowby, YO7 4QS on behalf of Yorkshire Water.
- 1.2 This application is subject to an objection from a local resident having been raised in respect of this proposal on the grounds of loss of privacy and visual impact and is, therefore, reported to this Committee for determination.

**2.0 Background**Site Description

- 2.1 The site to which the application relates is located in a rural area on the edge of the village of Borrowby, north of Thirsk. The proposal site is an agricultural field, immediately to the north west of the existing Waste Water Treatment Works set in agricultural grazing land and farmland. The site is located to the western side of Borrowby and is accessed down a sloping access from Bob Lane, which is the access to the existing Waste Water Treatment Works. The nearest residential properties are around 100 metres away. The northern boundary of the site is formed by Bob Lane. There are several trees immediately adjacent to the application site boundary to the north west of the Site, together with an established hedge.
- 2.2 The Broad Beck (a river) runs past the site further to the south west of the proposal site, beyond which is woodland.
- 2.3 The existing Waste Water Treatment Works has a long sloping access down into it, together with gates and a leylandii hedge. This provides some screening to the site.

2.4 There are Public Rights of Way in the vicinity of the site. Designated Footpath 10.16/5/1, is located approximately 10 metres to the north of the Application Site. Designated Footpath 10.16/19/1, is located approximately 300 metres to the north east of the Application Site; and Designated Footpath 10.16/6/1, is located approximately 350 metres to the north of the Application Site, passing along South View Street.

2.5 A plan showing the application site is attached to this report.

Planning History

2.6 There is no planning history relating to the proposed development site relevant to the determination of this application.

**3.0 The proposal**

3.1 Planning permission is sought for the erection of four rectangular kiosks (59 sq. metres), feed pumping stations (29 sq. metres), tertiary solids capture unit (72 sq. metres), sludge holding tank (100 sq. metres), internal access track and hardstanding (970 square metres) and installation of 2.4 m high access gate and 2.4 m high green weld mesh fence on land at Borrowby Waste Water Treatment Works, Bob Lane, Borrowby, YO7 4QS on behalf of Yorkshire Water. The proposal is notified to Committee as part retrospective, as the majority of the development including the Tertiary Solids Capture unit has already been constructed. The access gate and weld mesh fence have not yet been constructed.

3.2 Whilst the wider upgrades to the existing Borrowby WWTW are permitted development, as they are located on operational land, the proposed development is located on adjacent non-operational land. As such, the proposed development requires planning permission. The site area (red-line boundary) is approximately 0.3 hectares (ha) excluding the permitted development area. It is located just to the north of the existing operational waste water treatment works. The tallest structure of the proposal and subject of the objection, the Tertiary Solids Capture unit, is described below. This has already been constructed. This unit is 3.7 metres in height, with a total height of 5.04 metres including handrail.

3.3 The proposed kiosks comprise:

- 1no. Ferric Dosing Kiosk (FDK) of 7.05 metres (length) x 2.85 metres (width) x 3.22 metres (height)
- 1no. Caustic Dosing Kiosk of 4.00 metres (length) x 2.85 metres (width) x 3.22 metres (height)
- The third kiosk would be a single Motor Control Centre (MCC) Kiosk and scaled at 7.15 metres (length) x 3.55 metres (width) x 3.00 metres (height)
- This kiosk would be used to house a control panel for operational activities of the site such as viewing the activity status and controlling the alarm and alert systems and will have doors of 2.00 metres in height and 2.36 metres in width
- The fourth kiosk is the Sample kiosk of 2.80 metres (length) x 1 metre (width) x 2 metres (height) with doors of 2.00 metres in width and 1.85 metres in height
- All kiosks will be finished in BS4800 Holly Bush Green (14-C-39). They will all be installed on concrete slabs
- An associated caustic delivery area and ferric sulphate delivery area are also proposed to the south of the Ferric and Caustic Dosing Kiosks



- 3.4 In addition to the proposed kiosks, a new site access is proposed from Bob Lane together with new access gates. These would be 2.4 metres in height and 3.5 metres in width constructed of mesh and wire. The site would be surrounded by new boundary fencing of 2.4 metres in height and 3 metres in width with a mesh spacing of 50 millimetres x 200 millimetres horizontal x 5 millimetres wire diameter. Panels incorporate 'V' beams spanning horizontally across the panel. The fencing would be polyester powder coated coloured RAL6005 (Moss Green). Posts would be rectangular hollow section 60 millimetres x 60 millimetres x 2.0 millimetres with M8 threaded inserts fitted in the front face. Post centres of 3.025 metres. Posts would also be polyester powder coated coloured RAL6005 (Moss Green). Example profiled panel system (O.S.A) is proposed to be used. The total length of the fence would be 291 metres. The gate will also be welded mesh with a spacing of 50 millimetres vertical x 200 millimetres horizontal x 5 millimetres wire diameter. Similarly, the gate panel incorporates 'V' beams spanning horizontally across the gate. The gate would also be RAL6005 (Moss Green).
- 3.5 A new sludge holding tank of 7.73 metres (length) x 3.68 metres (height) x 7.69 metres (width) and 3.42 metres in diameter (all measurements include ancillaries) is also proposed including tanker connection, access steelwork and associated plinth 10 metres wide x 10 metres in length located to the west of the Ferric Sulphate kiosk.
- 3.6 A primary settlement tank (PST) is also proposed, together with an associated PST feed pumping station on a concrete slab of 4.95 metres (length) x 2.64 metres (height) and 2.60 metres (width) (width and length measurements include concrete slab).
- 3.7 A desludge pump slab is proposed adjacent to the new access road, to the south of the ferric and caustic delivery areas.
- 3.8 A Tertiary Solids Capture (TSC) unit is also proposed of 9.04 metres (length) x 5.04 metres (total height) x 7.9 metres (width). An associated TSC feed pumping station of 5.25 metres (length) x 2.64 metres (height) x 2.90 metres (width) is proposed further to the south, adjacent to the west side of the existing sewage works.
- 3.9 The reasoning for the application is due to the National Environment Programme, (NEP) from the Environment Agency which has dictated that all water companies in England and Wales must reduce phosphorous in wastewater by March 2020. A total of sixteen sites are included in the Tight Phosphorous Delivery Programme (TPDP), including the proposal site. The applicant states that '*... The programme comprises 16 waste water treatment sites which are required to achieve 0.5 – 1.0 mg/l phosphorus consent by 31/03/2020. Delivery of this programme will improve 196.2 km of river length. The proposed solution is based on conventional removal techniques which centre on chemical precipitation to remove the phosphorus from the sewage via primary and secondary sludge.*'

#### 4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to the consultation on 7 January 2019.

- 4.1 **Borrowby (Thirsk) Parish Council** no response to date.
- 4.2 **The Highway Authority** responded on 14<sup>th</sup> January 2019 to recommend a condition to prevent mud on the highway be attached to any permission granted.

- 4.3 **NYCC Heritage - Principal Landscape Architect** responded initially on 21<sup>st</sup> February 2019 stating: '**Background**  
*The proposed development will extend the operational area of the existing water treatment works. The development includes several kiosk buildings, storage tanks, pumping station and other related infrastructure. The site will be enclosed by a new 2.4m high weldmesh boundary fence. The tallest building will be the Tertiary Solids Capture Unit with overhead gantry crane 7.356m high located towards the north west side of the site. The development will use the existing access point off Bob Lane and incorporate a new internal access road.*
- 4.4 *The application site is an agricultural field situated off Bob Lane to the west side of Borrowby village. There is an established hedgerow to the north side of the site along Bob Lane with intermittent trees. The site has been recently levelled by Applicant and is set in an elevated location above fields to the west side and the above the existing treatment works to the south.*
- 4.5 *The proposed development is likely to be visible from the PROW immediately to the north side of the site along Bob Lane and from several residential properties along Borrowby village street approximately 140m to the east side.*
- 4.6 *Lower level views are mainly filtered and screened by field hedgerows but there is potential for the proposed development to adversely affect local landscape character and setting due to its close proximity to the village, openness and visibility of parts of the site from residential properties and Bob Lane.*
- 4.7 **Summary and Recommendation**  
*There is potential for the proposed development to adversely affect local landscape character and setting due to its close proximity to Borrowby village, openness and visibility of parts of the site. I would be reasonably satisfied that impacts could be reduced to an acceptable level provided that suitable mitigation is incorporated.*
- 4.8 *A landscaping scheme is recommended to screen the proposed development. The landscaping scheme should incorporate woodland, trees and hedgerow planting to screen the site from Borrowby village to the east side and the PROW along Bob Lane to the north and the west side.  
The existing hedgerow and trees along Bob Lane should be protected and retained. The existing hedgerow should be gapped up to improve screening.  
New boundary fencing, buildings, plant and machinery should be coloured dark green or dark grey to reduce their visibility.'*
- 4.9 *Following further discussions including an office meeting with representatives of the applicant's agent, a revised landscaping scheme was received and the Tertiary Solids Capture unit was shown on an amended plan as reduced in height from 7.35 metres to 3.7 metres in height, with a total height of 5.04 metres including the handrail.*
- 4.10 *The Principal Landscape Architect provided further comments acknowledging the recent responses from the applicant regarding painting the Tertiary Solids Capture Unit and the potential contamination problems that this could cause.*
- 4.11 *'The structures are likely to be visible from several residential properties in Borrowby village. Not painting the structures in subdued colours puts more emphasis on achieving mitigation by screen planting.'*

- 4.12 It was therefore suggested that in order to establish screening, the landscaping scheme is implemented in the first available planting season with maintenance establishment for 5 years, this being achieved by condition.
- 4.13 Since these comments, the applicant has submitted a revised landscaping scheme and photomontage on the 8<sup>th</sup> July 2019, and again the Principal Landscape Architect has commented that provided that the previously suggested 5 year defects and aftercare period is conditioned, he is satisfied with the amended plan.
- 4.14 **Hambleton District Council (Planning)** responded on 21<sup>st</sup> February 2019 to state that they had no observations to make on the proposal, citing that it was in line with policy.
- 4.15 **Environmental Health Officer (Hambleton)** responded on 25<sup>th</sup> January 2019 to state that they have no objections as they have '*...considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact.*'
- 4.16 **NYCC Heritage - Ecology** responded on 10<sup>th</sup> January 2019 to say that having reviewed the application documents they are '*...satisfied with the level of survey and assessment work undertaken and presented in the Ecological Appraisal report submitted.*'
- 4.17 Provided that the mitigation and enhancement measures outlined within the documentation are secured, they are '*satisfied that the ecological impact of these proposals will be minimal.*'
- 4.18 **NYCC Public Rights of Way Team** responded on 8<sup>th</sup> January 2019 suggesting an informative on Public Rights of Way in order to protect them and keep them clear of any obstruction.
- 4.19 **Environment Agency York** responded on 24 January 2019 stating '**Flood Risk**  
*We have no objection to proposed works as long as they are in accordance with the submitted FRA.*'
- 4.20 **Swale & Ure Drainage Board** no response to date.

#### **Notifications**

- 4.21 **County Cllr. Gareth Dadd** was notified on 7/01/2019.

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

- 5.1 The proposal has been advertised by means of Site Notices posted on 13<sup>th</sup> December 2018 (responses to which expired on 06 January 2019). The Site Notices were posted in the following locations: on the parish notice board in the village; on the site access from the access track, near the public right of way; on the sign for the footpath from the main road through the village. A Press Notice appeared in the Darlington and Stockton Times on 25 January 2019 (responses to which expired on 08 February 2019).

- 5.2 Neighbour Notification letters were sent on 13 December 2018 and the period in which to make representations expired on 3<sup>rd</sup> January 2019. The following properties received a neighbour notification letter:
- Hyde House, Borrowby, Thirsk, YO7 4QQ
  - Bridge House, Borrowby, Thirsk, YO7 4QQ
  - Birchen, Borrowby, Thirsk, YO7 4QP
  - Orchard Cottage, Borrowby, Thirsk, YO7 4QP
  - Marloes, Borrowby, Thirsk, YO7 4QP
  - Milford, Borrowby, Thirsk, YO7 4QS
  - Fernlea, Borrowby, Thirsk, YO7 4QQ
  - Everest Lodge, Borrowby, Thirsk, YO7 4QP
  - 1 Bridge Terrace, Borrowby, Thirsk, YO7 4QS
  - 2 Bridge Terrace, Borrowby, Thirsk, YO7 4QS

- 5.3 One representation has been received in response to the above mentioned advertisement of the application.

The objection from the occupier of Fernlea raised the following issues: *'The Arcus planning statement states the development has low vertical extents and is a small extension to the existing site. It quotes the 2.4m green fence together with existing tree cover provides screening. Looking at the plans, it more than doubles the footprint. The current site is accessed down a steep incline with no structure more than 3m tall, shielded by mature conifer trees. The new development borders Bob Lane. The tertiary solids capture unit is 7.35m tall and 9m in length. This is the size of a large two storey house. Due to its location, it will be visible to neighbouring houses and residents using Bob Lane. There is no screening from trees and the fence will not screen it. Even if screening is planted, it will take many years to screen the development. I wish to object on the grounds of loss of privacy (will see it from my living room) and visual impact.'*

- 5.4 Following discussions with the agent, revised plans were submitted on 17 May 2019 which included an improved landscaping plan and amended plans to show that the height of the tertiary solids capture unit has been reduced from 7.35 metres to 3.7 metres with the full height of the unit being 5.04 metres together with the handrail at the top of the unit. Further discussions have resulted in amendments to the landscaping plan on 10<sup>th</sup> June 2019 and submission of further detail and clarification on the design of the Tertiary Solids Capture unit and its finish. A further amended landscaping plan with denser screening and photomontage viewpoints from the property have been submitted on 8<sup>th</sup> July 2019, at the request of the objector. The occupier of Fernlea has been contacted and made aware of the amendments.

## 6.0 Planning policy and guidance

### The Development Plan

- 6.1 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 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.

- 6.2 The extant 'saved' policies of the North Yorkshire Waste Local Plan (2006);  
The extant policies of the Hambleton District Council Core Strategy (2007);
- 6.3 The North Yorkshire Waste Local Plan (adopted 2007) has particular relevance in the determination of this application and the policies most relevant 'saved' policies include:
- Policy 4/1 – Waste Management Proposals
  - Policy 4/19 – Quality of Life; and
  - Policy 7/2 – Waste Water Treatment Works
- 6.4 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect, it is worth noting that the following document contains emerging local policies that may be of relevance to this application:  
Minerals and Waste Joint Local Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).  
The draft MWJP was published in November 2016 for representations, after which consultation commenced on an Addendum schedule of proposed changes for an 8 week period over summer 2017. The MWJP was submitted to the Secretary of State for Communities and Local Government on 28 November 2017 and the Examination in Public (EiP) began on 27 February 2018 and now Main Modifications are under consideration. Therefore, policies can start to be given more weight in the determination of applications. Policy W08 is the most relevant policy which deals with management of waste water/sewage and states that: *“Proposals for the development of new infrastructure and increased management of waste water and sewage sludge will be supported in line with requirements identified in asset management plans produced by waste water infrastructure providers active in the plan area. Preference will be given to the expansion of existing infrastructure in appropriate locations rather than the development of new facilities....”* The Policy justification states that *“Provision of adequate capacity for treatment of waste water is necessary in order to ensure that plans for growth (such as housing and economic development) can be delivered”*.
- 6.5 Saved Policy 4/1 of the North Yorkshire Waste Local Plan is relevant to the proposal as it is a waste development. *‘Proposals for waste management facilities will be permitted provided that:-*
- a) *the siting and scale of the development is appropriate to the location of the proposal;*
  - b) *the proposed method and scheme of working would minimise the impact of the proposal;*
  - c) *there would not be an unacceptable environmental impact;*
  - d) *there would not be an unacceptable cumulative impact on the local area;*
  - e) *the landscaping and screening has been designed to effectively mitigate the impact of the proposal in a way that is sympathetic to local landscape character;*
  - f) *where appropriate, adequate provision is made for the restoration, aftercare and management of the site to an agreed afteruse;*
  - g) *the proposed transport links are adequate to serve the development; and*
  - h) *other environmental and amenity safeguards would effectively mitigate the impact of the proposal;*
  - i) *it can be demonstrated that the proposal represents the Best Practicable Environmental Option for dealing with the waste;*
  - j) *the location is geographically well located to the source of the waste thereby according with the proximity principle’*

- 6.6 Saved Policy 4/1 is assessed as broadly consistent with NPPW and NPPF and with the waste section of PPG. The third bulletpoint of Paragraph 7 of NPPW concerns impact on amenity and the local environment. With regard to specific criteria, criterion a) of Policy 4/1 is in line with the locational criteria in NPPW Appendix B which include landscape and visual impacts. Criterion f) of Policy 4/1 is in line with the last bulletpoint of paragraph 7 of NPPW. Whilst the NPPF and NPPW are silent on the matters raised in criteria b (method and scheme of working to minimise impact), i (Best Practicable Environmental Option for dealing with the waste) and j (location geographically well related to the source of the waste) of Policy 4/1, the PPG is clear that the proximity principle is an important aim in planning for waste developments.
- 6.7 Criterion e) of 'saved' Policy 4/1 requires that landscaping and screening should mitigate the impact of the development, being sympathetic to local landscape character. Therefore, it is considered that the Policy is consistent with the provisions of the NPPF, in particular paragraph 127 (criterion c) of the Framework, and Appendix B of the NPPW, both of which note the importance of developments responding to local character and landscapes. Therefore, this element of the policy should be afforded weight in relation to this planning application.
- 6.8 Criterion g) of 'Saved' Policy 4/1, is considered to be consistent with the provisions of the NPPF, NPPW and PPG. Paragraph 5 of NPPW at the third bulletpoint requires WPAs have regard to the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport. Therefore, this policy is considered to be largely compliant with the NPPW and as such substantial weight can be afforded to this element of the policy in the determination of this application.
- 6.9 Saved Policy 4/19 of the North Yorkshire Waste Local Plan is relevant to this proposal as it is considered that it could have implications for local amenity and the local environment. The policy advises that *'Proposals for waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity'*. The NPPF provides guidance in relation to how planning decisions should aim to conserve and enhance the natural environment. Paragraph 170 of the Framework advises that the planning system should contribute to and enhance the natural and local environment by 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.
- 6.10 NPPW paragraph 7 confirms that the likely environmental and amenity impacts are to be considered against the criteria set out in Appendix B when determining waste planning applications, together with the locational implications of any advice on health from relevant health bodies. As Appendix B contains criteria on factors such as visual impacts, air emissions including dust, odours, noise, light and vibration, it is considered that 'saved' Policy 4/19 is consistent with the NPPF and NPPW. Therefore, this policy should be given considerable weight in the determination of this planning application.
- 6.11 Saved Policy 7/2 of the North Yorkshire Waste Local Plan is particularly relevant to this proposal as it concerns Waste Water Treatment Works. It states that:  
*'Proposals for new works, or extensions to works to treat waste water and sewage sludge will be permitted provided that:*
- a) *the proposal is required to improve the treatment of sewage sludge and waste water or discharge standards; or*
  - b) *the proposal is required to provide increased capacity; and*

- c) *the highway network and site access can satisfactorily accommodate the traffic generated; and*
  - d) *the proposal will not have an unacceptable adverse impact on local amenity or the environment.*
- 6.12 Saved Policy 7/2 is assessed as in conformity with NPPF, NPPW and PPG. Whilst the NPPF does not contain specific waste policies, it is considered that full weight can be given to Policy 7/2 as the NPPF states that sustainable development has an environmental role which includes minimising waste and pollution.
- 6.13 The Development Plan for the determination of this application also comprises the extant policies of the Hambleton District Council Core Strategy (2007).
- 6.14 Hambleton District Council Core Strategy Policy CP1 – Sustainable development – promotes and enhances the efficient use of infrastructure, the quality of natural resources including water and high quality and adaptability of development and enhances the health and social well-being, amenity and safety of the population. Development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted.
- 6.15 It is considered that due weight can be given to Policy CP1 as NPPF is clear that the effects of pollution on the natural environment and general amenity need to be taken into account. With regard to transport, however, the NPPF states that development should only be prevented where residual cumulative impacts are severe.
- 6.16 CP 4 Settlement Hierarchy proposes that development or activities of a scale and nature appropriate to secure the sustainability of each settlement as set out in Spatial Principle 3 and in the Core Strategy will be supported. According to this spatial principle Borrowby is defined as a Secondary Village. The policy states that in other locations such as Secondary Villages development will be supported where it will re-use existing buildings without substantial alteration and would help support a sustainable rural economy. The policy can be given some weight in the decision-making process as it is considered to be partially consistent with NPPF and PPG. In relation to the idea of re-using land and buildings, the policy is consistent with NPPF and PPG and the presumption in favour of sustainable development.
- 6.17 CP16 – Protecting and enhancing natural and man-made assets – is also appropriate to the proposals. *‘Development or other initiatives will be supported where they preserve and enhance the District’s natural and manmade assets and particular support will be given to initiatives to improve the natural environment’.*
- 6.18 It is considered that due weight can be given to Policy CP16 as NPPF and PPG are clear that development should protect and where possible enhance the local and natural environment. This is in line with the environmental objective of NPPF.
- 6.19 CP17 – Promoting high quality design – is also relevant. It aims at achieving a high quality design that is functional and optimises the potential of the site, uses sustainable construction principles and minimises the use of scarce resources. This is considered in line with NPPF and PPG principles in relation to design. Due weight can be given to the policy in the determination of the proposal.

- 6.20 CP21 – Safe Response to Natural and Other Forces – seeks to ensure that communities and the environment are not adversely affected by the actions of natural or other forces. This includes protection from and not worsening flooding, and also mitigating development from the consequences of pollution, noise or hazardous activities. This is considered in line with NPPF and PPG principles in relation to climate change and pollution. Due weight can be given to the policy in the determination of the proposal.
- 6.21 The Hambleton Local Development Framework (adopted April 2007) also contains a Development Policies Document (adopted February 2008) which also contains policies of particular relevance to the determination of this proposal. Policies most relevant include:
- Policy DP1, Protecting Amenity;
  - Policy DP6, Utilities and infrastructure;
  - Policy DP9, Development outside Development Limits;
  - Policy DP25, Rural employment;
  - DP28, Conservation
  - Policy DP29, Archaeology
  - Policy DP30, Protecting the character and appearance of the countryside;
  - Policy DP31, Protecting Natural Resources: Biodiversity/Nature Conservation
  - Policy DP32, General Design
  - Policy DP36, Waste
  - Policy DP43 Flooding and Floodplains
- 6.22 Policy DP1 advises that *'all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution) odours and daylight'*. The policy is considered to be consistent with the NPPF and PPG in terms of a presumption in favour of sustainable development, as outlined in paragraph 11 of the Framework. The policy also emphasises the importance of achieving a high quality of design to ensure a good standard of amenity for all existing and future occupants. This is in line with NPPF and PPG, and considerable weight should therefore be given to this policy in the determination of this planning application.
- 6.23 Policy DP6 – Utilities and infrastructure – states that the provision of additional infrastructure will be permitted where this is consistent with the principles of sustainable development, including where such provision will have no adverse impact on the environment. It states that proposals for new development must be capable of being accommodated by existing or planned services. It is considered that the policy can be given limited weight. Whilst NPPF makes reference to transport infrastructure, there is no reference to the need for development to be accommodated by existing or planned utilities, although PPG does mention this in relation to waste water infrastructure. The need for existing or planned utilities to serve a development is still a material planning consideration.
- 6.24 DP9 – Development outside Development Limits – only grants permission for development outside Development Limits *'in exceptional circumstances having regard to the provisions of Core Policy CP4, or where it constitutes replacement of a building, where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion.'*

*Within the area designated on the Proposals Map as the York Green Belt, only development acceptable within the terms of national policy will be permitted.'* It is considered that DP9 is partially consistent with NPPF and PPG. NPPF is more flexible in development outside settlements in paragraph 84.



- 6.25 Policy DP25 provides a context for considering development proposals outside the defined hierarchy of settlements. It states that '*employment development in locations outside Development Limits will be supported (and permission granted for such development, if also acceptable in terms of other LDF policies), if all the following apply:*
- i. it is small in scale;*
  - ii. it comprises conversion and re-use or replacement of existing rural buildings of sound construction, or appropriate extensions of buildings or existing uses which are otherwise acceptable in terms of other LDF Policies;*
  - iii. the development is not capable of location within a settlement with Development Limits, by reason of the nature of the operation or the absence of suitable sites;*
  - iv. it is supported by an appropriate business case which demonstrates that support will be provided to the local economy, which in turn would help sustain rural communities;*
  - v. the development would not adversely impact on the economy of the Service Centres.*

*Where suitable developments can be identified, support may be given to the provision of workspace or incubator units (and permission granted for such development, if also acceptable in terms of other LDF policies).'* Again, it is considered that DP25 is partially consistent with NPPF and PPG. NPPF is more flexible in development outside settlements in paragraph 84.

- 6.26 Policy DP28 – Conservation – promotes the conservation of historic heritage by protecting and preserving any built or landscape features which contribute to the heritage of the District.
- 6.27 DP29 – Archaeology – proposes that preservation and enhancement of archaeological remains and their settings is encouraged. In areas known for archaeological interest, an appropriate assessment should be submitted to accompany a development proposal.
- 6.28 Policy DP30 – Protecting the character and appearance of the countryside – states that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Throughout the District, the design and location of new development should take account of the landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques such as landscape character analysis to establish the local importance, and the key features that should be protected and enhanced, will be supported. Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features, particularly to landscapes which otherwise lack interest. It is considered that full weight can be given to the policy as it is consistent with the NPPF and PPG ideas of recognising the intrinsic character and beauty of the countryside.
- 6.29 Policy DP31 – Protecting Natural Resources: Biodiversity/Nature Conservation – goes on to state that development which would result in significant harm to sites and habitats of nature conservation, as well as species that are protected or under threat will not be granted permission.
- 6.30 Policy DP32 – General Design – proposes that development should seek to achieve high standard, taking into account the local character. New development should be of appropriate scale, volume and massing and it should respect the existing structures.

- 6.31 Policy DP36 – Waste – states that development and activities will be encouraged which support the minimisation of waste together with the efficient use of materials (and permission granted for related development, if also acceptable in terms of other LDF policies), and in particular assist in the delivery of the priorities of the waste hierarchy – which seeks first to promote the reduction of waste, followed by its re-use, then recycling and composting, followed by energy recovery, before finally accepting its disposal as a last resort. Support will be given (and permission granted for related development, if also acceptable in terms of other LDF policies) for the provision of well-designed recycling facilities and recycling collection points, in locations accessible to all members of the communities that are served. Where appropriate, development must make appropriate provision for recycling facilities and the collection of waste. Development should provide for on-site recycling, and seek to re-use building construction and demolition waste. Although NPPF does not cover waste, it is considered that full weight can be given to the policy as it is in line with NPPW principles and with sustainable development goals including minimising waste and pollution.
- 6.32 Policy DP43 – Flooding and Floodplains – advises that developments which are located in flood risk zones, or are likely to increase the risk of flooding elsewhere would not be supported, unless mitigation measures are adopted. The policy is considered to be consistent with NPPF and PPG as it mentions the sequential and exceptions tests and aims to prevent the risk of increasing flooding elsewhere. NPPF paragraph 158 explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Paragraph 159 goes on to explain that where this is not possible, the exception test may need to be applied and paragraph 160 explains what the test is.
- 6.33 Policy DP44 – Very Noisy Activities – states that development likely to generate harmful noise levels will be directed to appropriate locations away from known noise sensitive locations. The policy is considered to be broadly consistent with NPPF and PPG, as the NPPF aims to prevent pollution including noise pollution, both from sensitive new development being located near to noisy activities and noisy activities being located near to existing sensitive development.

Other policy considerations:

National Planning Policy

- 6.34 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) (updated June 2019)
  - National Planning Policy for Waste (NPPW) (published October 2014)

National Planning Policy Framework

- 6.35 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.36 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 defines sustainable development as that which fulfils the following three roles:
- a) ***an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’
- 6.37 Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- i.) *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- i.) *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’.*
- 6.38 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.
- 6.39 Paragraphs 80-84 within Chapter 6 (Building a strong, competitive economy) set out how planning policies and decisions can support economic growth and help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 82 goes on to stress that planning decisions should recognise and address the specific locational requirements of different sectors. Paragraph 83 goes on to explain that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, through well-designed new buildings. Paragraph 84 states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 6.40 Paragraph 98 of NPPF highlights that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 6.41 Paragraph 102 of NPPF within Chapter 9 (Promoting Sustainable Transport) outlines that transport issues should be considered from the earliest stages of development proposals in order to address potential impacts and in order to identify and take into account environmental impacts of traffic.

- 6.42 Paragraph 108 sets out that in determining applications, safe and suitable access can be achieved for all users and that any significant effects on the network can be cost effectively and acceptably mitigated. Paragraph 109 is clear that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety or where or the residual cumulative impacts on the road network would be severe.
- 6.43 Paragraphs 124-127 within Chapter 12 (Achieving Well Designed Places) of the NPPF state that good design is a key aspect of sustainable development and that local and neighbourhood plans should develop robust and comprehensive policies that set out a clear design vision and expectations of development that will be expected for the area. Such policies should be based on stated objectives and designed with local communities, so they reflect their local aspirations, and are grounded in an understanding and evaluation of each areas defining characteristics. *‘Planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.’*
- 6.44 Paragraphs 155 to 165 (Planning and flood risk) set out that where development is necessary in areas of flood risk, the development should be made safe for its lifetime without increasing flood risk elsewhere. They set out the Sequential Test and Exception Test for development proposals and requirements for a strategic or site-specific flood risk assessment.
- 6.43 Paragraph 170 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications in order to contribute to and enhance the natural and local environment. These include:
- ‘a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
  - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
  - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

- e) *preventing 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. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

6.44 Within paragraph 180 of the Framework it is noted that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- 'a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

6.45 Paragraphs 189 to 192 of the NPPF detail how local planning authorities should require applicants to describe heritage assets affected and how this should be taken into account. Paragraphs 193 to 202 then go on to set out how potential impacts should be considered.

#### National Planning Policy for Waste (NPPW)

6.46 Paragraph 1 of National Planning Policy for Waste sets out how positive planning plays a key role in the delivery of the Government's sustainable resource use and management ambitions. A more sustainable and efficient approach is the aim, through:

- '- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy (see Appendix A);*
- ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;*
- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;*
- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment*

6.47 NPPW paragraph 7 gives guidance to Local Planning Authorities on determining planning applications and confirms that the likely environmental and amenity impacts are to be considered against the criteria set out in Appendix B when determining waste planning applications, together with the locational implications of any advice on health from relevant health bodies. It also includes that they should *'ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located; and 'concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities.*

*Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.'*

6.48 Appendix B of NPPW contains criteria in relation to the assessment of sites and areas for waste proposals, and notes that in addition to type and scale of facility the following should be considered:

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

6.49 The National Policy Statement for Waste Water sets out that more stringent statutory requirements are a driver for improved infrastructure, as well as climate change adaptation. Environmental and public health improvement together with meeting European targets are key Government policy objectives.

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

6.50 On 6<sup>th</sup> 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: -

#### Design

6.51 This section of PPG sets out how good design is fundamental to sustainable development, and that NPPF recognises design quality matters, maintaining distinctive character through development and achieving places which work for everyone. Good design should:

*'ensure a development can deliver a wide range of planning objectives. enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being address the need for different uses sympathetically.'*

#### Flood Risk and Coastal Change

6.52 The National Planning Policy Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. PPG explains these tests and how flood risk should be assessed in planning for new development and assessing planning proposals. It also sets out those developments which are exceptions to the tests.

#### Natural Environment

6.53 One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Section 40 of the NERC Act requires public bodies to minimise impact on biodiversity as part of decision making. 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. Information on biodiversity impacts and opportunities should inform all stages of development (including, for instance, site selection and design including any pre-application consultation as well as the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

#### Noise

- 6.54 Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment.
- 6.55 Planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
  - whether or not an adverse effect is occurring or likely to occur; and
  - whether or not a good standard of amenity can be achieved.
- 6.56 In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the 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 adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

#### Waste

- 6.57 Paragraph 002 (Reference ID: 28-002-20141016, Revision date: 16 10 2014) confirms that waste water management proposals are waste development.
- 6.58 Paragraph 004 (Reference ID: 28-004-20141016, Revision date: 16 10 2014) sets out the role of waste planning in meeting European obligations, including Article 13 of the European Waste Framework Directive on Protection of human health and the environment.
- 6.59 Paragraph 013 (Reference ID: 28-013-20141016, Revision date: 16 10 2014) confirms that waste water is a waste stream that Local Planning Authorities should plan for.

#### Water supply, wastewater and water quality

- 6.60 This section sets out that planning needs to consider the sufficiency and capacity of wastewater infrastructure and sets out the appropriate sources of information and guidance upon issues related to the supply of water and wastewater infrastructure.

### **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 proposed development

- 7.2 Yorkshire Water are required to comply with The National Environment Programme, (NEP) from the Environment Agency which has dictated that all water companies in England and Wales must reduce phosphorous in wastewater by March 2020. Yorkshire Water consider that the proposed development would improve wastewater treatment standards in the area and is acceptable in terms of the draft Minerals and Waste Joint Local Plan Policy W08 on waste water and sewage as this gives a preference ‘*to the expansion of existing infrastructure in appropriate locations rather than the development of new facilities*’ which can now be given increasing weight in the determination of this application due to the plan nearing adoption. The applicant considers that the proposal will improve Borrowby Waste Water Treatment Works’ efficiency and increase its capacity. It is stated that capacity is based on the predicted population number for year 2030, when the population of Borrowby is expected to increase. The proposal would ensure that the site is in compliance with the new regulations.
- 7.3 The proposed development is located outside the operational area of the existing Waste Water Treatment Works, and would form an extension to the works. Although located in the countryside, Hambleton District Council stated in their response that in relation to policies CP4 and DP9 - development outside settlement limits and policies CP16 and DP30 - Impact to landscape ‘*The development is in the countryside, but is an extension of the existing sewage works. As found in DP25, this is the best site for such development and there is no better alternative.*’ This is also supported by saved policy 7/2 of the North Yorkshire Waste Local Plan as the proposal is required to improve the treatment of sewage sludge and waste water and consequently improve discharge standards and is located adjacent to an operational sewage works. The proposal is therefore considered to be in accordance with the principles of the waste hierarchy, by encouraging the re-use and recycling of waste water, in line with NPPW and policy DP36.
- 7.4 A key consideration in the evaluation of this planning application is the suitability of the location of the proposed development. It is considered that the proposed location is suitable due to it being away from the village and adjacent to an existing water treatment works and that subject to the appropriate conditioning of its design and landscaping, it is in conformity with the above policies. It is in line with policies CP1 and DP6 as it complies with the principles of sustainable development by providing net environmental benefits.

Design

- 7.5 The Development comprises four Glass Reinforced Plastic (“GRP”) kiosks, which would be green in colour. The agent advises that use of GRP materials will mean that the kiosks would be delivered pre-fabricated, and that this design leads to less construction impact. In addition, the other units, structures and ancillary development proposed are considered to be well designed and appropriately scaled. The Development has been designed in terms of scale and density in order to accommodate all the facilities required.
- 7.6 It is considered that the proposal would be consistent with and well related to the development already in place at the existing waste water treatment works. It is considered that the cumulative effect of the development would be negligible. It is considered that the development is in line with NPPF and with PPG guidance in relation to design. This is also in compliance with saved policy 7/2 of the North Yorkshire Waste Local Plan as the proposal is required to improve the treatment of sewage sludge and waste water and consequently improve discharge standards; the highway network and site access can satisfactorily accommodate the traffic generated; and the proposal will not have an unacceptable adverse impact on local



amenity or the environment. It is considered that this is in compliance with saved policies 4/1, CP17 and DP32 in relation to design, as the siting and scale of the development is appropriate to the scale of the existing waste water treatment works and it has been designed in order to minimise impact. Further information on the design of the TSC unit has been submitted by the applicant to confirm that it cannot be painted due to the risk of paint flakes entering the filtration. This further information has clarified that the metal finish will fade with time and become a dull grey.

Local amenity (noise, odour, vibration, dust)

- 7.7 Noise will be an issue mainly in relation to the temporary construction works, as the site is already operational. It is stated by the applicant that the GRP kiosks will be delivered as pre-fabricated units and that their use will therefore reduce amenity impacts from construction works. Some works on the site have already been completed and no noise complaints have been received.
- 7.8 As a working waste water treatment works, the nature of the development is such that odours could be emitted and it is likely to be impossible to eliminate them completely. This being the case, however, the agent states that *'In line with Policy DP 1 an Odour Assessment was carried out by a YW Technical Specialist. The report concluded that the Site is considered to have low potential for Septicity Development due to no changes to the existing assets, zero complaints within the last seven years and the addition of Ferric to the works, which acts as an odour suppressor.'* Therefore it is considered that such odours would not be likely to seriously harm residential amenity and it is considered that the development would therefore comply with Policy 4/19 and 7/2(d) of the North Yorkshire Waste Local Plan (adopted 2006).
- 7.9 Whilst it is acknowledged that the proposed development would more than double the area of the Sewage Works site, the proposed landscaping mitigation and paint finishes together with the distance from properties are considered to reduce any impact. As stated by Hambleton District Council Planning in their response: *'With a gap of over 100 metres to the nearest house there is sufficient distance to mitigate any impact the development might have to the visual, noise, light and odour amenity of nearby residents. Public views of the site are obstructed by the houses on the high street.'*
- 7.10 It is also noted that Hambleton District Council's Environmental Health Officer has not raised any objections to the scheme. They have stated that they consider the scheme to not have any negative impacts.
- 7.11 This is consistent with NPPF paragraph 180 and Planning Practice Guidance for Noise as a good standard of amenity can be achieved given the separation distances. It is considered unlikely that the development would give rise to unacceptable levels of disturbance to the occupiers of the closest properties. It is therefore considered that the development would comply with 'saved' policy 7/2 (d) of the North Yorkshire Waste Local Plan (adopted 2006) as the impacts would be minimal and would not have an unacceptable impact on local amenity with the effects being mitigated against. This is therefore also in line with DP1 and DP44 of Hambleton Local Plan and with the NPPF and NPPW.

Landscape and visual impact

- 7.12 Landscape and visual impact of the proposed development is an important consideration in the determination of the proposal. The initial Landscape response highlighted that *'The proposed development is likely to be visible from the PROW immediately to the north side of the site along Bob Lane and from several residential properties along Borrowby village street approximately 140m to the east side.'*

- 7.13 *Lower level views are mainly filtered and screened by field hedgerows but there is potential for the proposed development to adversely affect local landscape character and setting due to its close proximity to the village, openness and visibility of parts of the site from residential properties and Bob Lane.'*
- 7.14 Following submission of the revised landscaping scheme, it became apparent that the proposal had already been constructed. The Principal Landscape Architect provided further comments after visiting the site. The applicant has confirmed that most of the equipment has now been installed on site. The Principal Landscape Architect has commented that the Tertiary Solids Capture Unit is the most noticeable structure, partly because of the metal finish and partly because it stands forward from the other structures. However, it is considered that in time some of the proposed planting would help screen the structure when viewed from the village.
- 7.15 The site is quite well screened from most directions and along Bob Lane and most of the buildings and structures would have low visibility if painted in dark colours and the proposed landscape scheme is implemented.
- 7.16 It is considered that as the applicant has confirmed that the Tertiary Solids Capture unit cannot be painted and the proposal has already been built, that it becomes more important to establish the planting to achieve screening. It is therefore suggested that the establishment aftercare liability should be conditioned for a 5 year period, to ensure effective screening is achieved.
- 7.17 The applicant has reduced the height of the Tertiary Solids Capture unit from the original proposed total height of 7.35 metres to 3.7 metres, with a total height of 5.04 metres including the handrail. It is considered that at the new amended height that there will not be an unacceptable visual amenity impact. The applicant has also submitted a further amended landscaping scheme with denser screening to the objector's property and additional landscape information in the form of photomontage viewpoints from Fearnlea which show the screening achieved after one year. The Principal Landscape Architect has confirmed that he is satisfied with the amended plan subject to the aforementioned condition on a 5 year aftercare period to ensure effective screening.
- 7.18 The application is considered to be consistent with Planning Practice Guidance for the natural environment as local distinctiveness and character would not be significantly adversely affected. It is therefore considered that the development is in line with the principles of the NPPF paragraph 170 and PPG guidance for the natural environment. Further the proposal is in compliance with 'Saved' Policy 4/19 of the North Yorkshire Waste Local Plan (2006) due to the landscape character not being detrimentally affected. This is also in compliance with CP1 and DP1 of Hambleton Local Plan and CP16 and DP30 in terms of landscape impact.
- 7.19 Whilst the proposal would be outside the settlement limits, it is considered that the development would be in line with CP4 and DP9 as it is well related to the existing sewage treatment works.

The Historic Environment

- 7.20 An Archaeological Desk-Based Assessment and Setting Appraisal was submitted for the proposal. This concluded that there would be no effect on the significance or appreciation of the significance of nearby heritage assets, stating that the proposal is located on a south facing slope within a field surrounded by tall hedges, and will not be visible from any of the heritage assets. This is therefore in compliance with policies DP28 and DP29 and with NPPF and PPG.

Flood Risk and drainage

- 7.21 A Flood Risk Assessment (FRA) was submitted with the application. This states that whilst the development is located in Flood Zones 1, 2 and 3a it is classed as Essential Infrastructure. It also shows that the development passes the Sequential Test as it cannot be located in areas of lower flood risk as the proposed infrastructure will serve existing Water Treatment Works infrastructure.
- 7.22 The Environment Agency have stated that they have no objection to proposed works as long as they are in accordance with the submitted FRA. This is considered to be in compliance with saved policy 4/1 of the North Yorkshire Waste Local Plan and with the NPPF, NPPW (especially Appendix B) and PPG on flooding. It is also therefore in line with Policy DP1, CP21 and DP43 of Hambleton Local Plan.

Highways Matters

- 7.23 The Local Highways Authority have raised no objection to the scheme and have suggested the use of a condition to control mud on the highway. As the development has been partly constructed however and no complaints have been received, it is considered that the submission of further information on the precautions in place to prevent mud on the highway was sufficient. Yorkshire Water have confirmed that the access lane was resurfaced with stone prior to development to prevent mud and dirt being trailed onto the main road. Concrete carrying vehicles are routinely washed prior to leaving the site at the wheel washing area and a plan was submitted to show the location of the wheel wash. Vehicles are inspected before leaving the site to ensure that there is no mud, grit or dirt on the wheels and the wheels are washed as needed. In order to prevent the build-up of deposits on public highways, the access lane, Bob Lane and Oak Tree Bank as far as Knayton CoE Primary School are swept during winter and when there is debris on site. This is considered to be satisfactory in relation to 'saved' policies 4/19 and 7/2 (d) of the Waste Local Plan in relation to unacceptable adverse amenity impact or impact upon the local environment. This is also in line with NPPF and NPPW.
- 7.24 Due to the nature and scale of the development there will be no additional traffic movements generated as it is an extension to the existing water treatment works and therefore the proposal would be able to be accommodated by the local highways network as operational traffic would be the same. As stated in the Planning Statement, most of the traffic is expected to occur during construction and delivery of the pre-fabricated units. Therefore there would be no impact upon the surrounding highway network. It is therefore considered that the development is compliant with Waste Local Plan 'Saved' Policy 7/2 (c) due to the vehicle movements being able to be satisfactorily accommodated.

Natural Environment

- 7.25 The Ecologists have commented on the proposal, stating that they are satisfied that the ecological impact of the proposal is minimal, provided that the mitigation and enhancement measures outlined in the Ecological Appraisal Report are secured.
- 7.26 It is therefore considered that the development would be in accordance with NPPF and with local policy DP31 in relation to the protection of biodiversity and the local environment. As well as ensuring compliance with legislation in relation to the protection of habitats and species.

Economic impacts and employment

- 7.27 The submitted documentation details that 7.5 FTE jobs will be created by the TPD programme as a whole. This is considered to be in line with policies CP1 and DP6 and in line with policy DP25 on rural employment. It is therefore also consistent with NPPF paragraph 83 on the rural economy.

Public Rights of Way

7.28 Although there is a Public Right of Way that uses the same route as the Bob Lane access road to the waste water treatment works (Designated Footpath 10.16/5/1), it is considered that there would be no significant impact on users as a result of the development. It is considered that this is in line with policies and paragraph 98 of NPPF.

**8.0 Conclusion**

8.1 It is considered that the material planning considerations considered above support this application for the erection of four rectangular kiosks (59 sq. metres), feed pumping stations (29 sq. metres), tertiary solids capture unit (72 sq. metres), sludge holding tank (100 sq. metres), internal access track and hardstanding (970 sqm) and installation of 2.4 m high access gate and 2.4 m high green weld mesh fence.

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 development is necessary as an element of the local sewerage infrastructure and is in conformity with Waste Local Plan ‘saved’ policy 7/2;
- ii.) The development is required in order to meet required standards in relation to waste water;
- iii.) The development would have minimal impact upon local amenity and environmental quality in conformity with Waste Local Plan ‘saved’ policies 4/19 and 7/2 and Hambleton Local Development Framework policies DP1 and DP44;
- iv.) The proposal is consistent with the NPPW (2014); NPPF (2019); PPG guidance (2014); ‘saved’ policies of the North Yorkshire Waste Local Plan (adopted 2006) and policies of the Hambleton Local Development Framework (adopted 2007) and policy W08 of the emerging Minerals and Waste Joint Plan.

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

Conditions:

1. The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

*Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the application details dated 26<sup>th</sup> October 2018 and the following approved documents and drawings:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
BRB-NOM-01-GF-DR-PDW-00006 REV A3 TSC UNIT Revised	17/05/2019	Tertiary Solids Capture Unit Planning Drawing

3006-DR-LAN-101_v4-1_WM_20190704 Rev D	05/07/2019	Detailed Landscape Proposals
3006-REP-033	15/10/2018	Site Location Plan Figure 001
BRB-NOM-00-01-DR-PDW-00001 Rev A1	18/07/2018	Ferric Dosing Kiosk Planning Drawing
BRB-NOM-00-01-DR-PDW-00002 Rev A1	11/07/2019	Caustic Dosing Kiosk Planning Drawing
BRB-NOM-00-01-DR-PDW-00003	20/09/2018	MCC Kiosk Planning Drawing
3006-DR-P-0001 Rev2	16/10/18	Proposed Site Layout
BRB-NOM-00-01-DR-PDW-00008	20/09/2018	Sludge Tank Planning Drawing
D5877	02/11/2018	Model Sample Kiosk
BRB-NOM-01-GF-DR-PDW-00010 Rev A1	27/11/2018	PST Feed Pumping Station
BRB-NOM-01-GF-DR-PDW-00011 Rev A1	27/11/2018	Tertiary Solids Capture unit Planning Drawing
BRB-NOM-01-F-DR-PDW-00009 Rev A2	27/11/2018	Fence Layout Planning Drawing
Planning Statement	October 2018	Planning Statement
Appendix 1	October 2018	Ecological Appraisal Borrowby STW
Appendix 2 (Cultural Heritage Report Number 93)	October 2018	Archaeological Desk-Based Assessment and Setting Appraisal
Appendix 3	October 2018	Noise Impact Assessment
Appendix 4	October 2018	Odour Assessment
Appendix 5	October 2018	Flood Risk Assessment
Appendix 6	October 2018	Non-Residential Coal Mining Report
Screenshot 2019-07-11	11/07/2019	Screenshot of Temporary wheelwash location

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

3. Construction work to be restricted to 07.00 – 18.00 hours Mondays to Fridays; 08.00 – 13.00 on Saturdays and no works to be carried out on Sundays and Bank Holidays.

*Reason:* In the interests of public amenity.

4. Landscaping and temporary tree protection of the site shall be carried out in accordance with drawing 3006-DR-LAN-101\_v4-1\_WM\_20190704 Rev D - 'Detailed Landscape Proposals'. Planting shall be implemented in the first available planting season following completion of the works. Trees and shrubs planted in accordance with this scheme shall be protected against damage, failures shall be replaced during each subsequent planting season and planted areas managed in accordance with good forestry practice for a period of 5 years from the completion of the development.

*Reason:* To ensure appropriate screening of the development in the interests of amenity and visual impact.

Informatives

*HI-12a INFORMATIVE - PUBLIC RIGHTS OF WAY*

*The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.*

*Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.*

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

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

DAVID BOWE

Corporate Director, Business and Environmental Services

Author of report: Leo Oliver

Background Documents to this Report:

1. Planning Application Ref Number: NY/2018/0244/FUL registered as valid on 4/12/2018. 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.

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**10 September 2019**

**C6/500/277/CMA – PLANNING APPLICATION FOR THE PURPOSES OF THE PLANNING APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT FOR THE VARIATION OF CONDITION NO'S 10 (DURATION OF DEVELOPMENT), 11 (DEFINITION OF DEVELOPMENT), 43 (MAINTENANCE) & 44 (LANDSCAPE AND RESTORATION) OF PLANNING PERMISSION REF. NO. C6/500/95B & C2/99/045/0011 FOR THE CONTINUATION OF SAND & GRAVEL EXTRACTION FOR A FURTHER 4 YEARS AFTER 31 DECEMBER 2015 AND THE SUBMISSION OF A REVISED RESTORATION SCHEME ON LAND AT RIPON QUARRY, NORTH STAINLEY, RIPON, NORTH YORKSHIRE, HG3 3HT  
ON BEHALF OF HANSON QUARRY PRODUCTS EUROPE LTD  
(HARROGATE DISTRICT) (MASHAM & FOUNTAINS ELECTORAL DIVISION)**

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

**1.0 Purpose of the report**

- 1.1 To determine a planning application accompanied by an Environmental Statement for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme on land at Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT on behalf of Hanson Quarry Products Europe Ltd. This application is considered by the County Council to be retrospective as the extraction works and restoration earthworks have been completed on the application site.
- 1.2 This application is subject to objections having been raised on the grounds of the type of impact of the amended restoration of the site and is, therefore, reported to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 Ripon Quarry has been operational for over 50 years producing high-grade sand and gravel. Since 1995 the quarry site has been leased and operated by Hanson Quarry Products Europe Limited (Hanson). The application sites operations are regulated by a set of planning conditions, issued by North Yorkshire County Council in October 2001 ref C6/50D/93B and C2/99/045/0011, this application expired on 31 December 2015. The site area is shown on appendix A. The application to be considered by the planning and regulatory functions committee was submitted on 11 November 2015 before the expiry of the application. Since submission in 2015 the remaining reserves within the application sites red line boundary have been extracted. A further area of extraction at Ripon Quarry was approved on 21 January 2018 (C6/500/95/D/CMA). This further extraction application issued in 2018 did though not include the site access road and plant area. The control of the plant site and site access road was originally considered as part of this application ref. C6/50D/93B and C2/99/045/0011. Therefore continued use of the plant site and site access would be included in the

consideration of this application varying permission Ref. C6/50D/93B and C2/99/045/0011. The red line boundaries of the two applications ref C6/50D/93B and C2/99/045/0011 and C6/500/95/D/CMA are shown on Appendix B attached to the report.

- 2.2 Ripon Quarry is located approximately 500 metres at its nearest point to the east of the village of North Stainley and 6 kilometres to the north of Ripon. This is shown on Appendix A attached to this report. The existing quarry lies partly within the administrative boundary of Harrogate Borough District and partly within the boundary of Hambleton District. The quarry also lies within several parishes including North Stainley with Sleningford, Norton Conyers and East Tanfield. The landscape character of the area is a predominantly rural area of woodlands combined with open arable land in a rolling landform. Ripon Quarry lies approximately 12 kilometres to the south of RAF Leeming and therefore falls within the statutory safeguarding birdstrike zones for that airfield and the quarry is also approximately 10 kilometres within the safeguarding birdstrike zones for RAF Dishforth and Topcliffe.
- 2.3 The site is divided in two by the River Ure, with under the previous permission extraction taking place on the eastern side of the river but the sand and gravel being brought through a ford crossing across the river to the western side for processing. The process for mineral extraction was by road using an access onto the A6108 road. That access to the quarry from the A6108 is crossed approximately 750 metres from the site entrance by a bridleway, which is also known as the Ripon Rowel Walk and which also runs parallel to the plant site for part of its length.
- 2.4 The Existing quarry operation is shown on Appendix C dated from 2015. The current land uses were characterised as follows:
- Site access road;
  - Mineral extraction area;
  - Soils and overburden storage;
  - Silt lagoon and clean water lagoon;
  - Weighbridge and sales office;
  - Stockyard area;
  - Processing Plant site area;
  - Concrete batching plant;
  - Restored areas.
- 2.5 The principal roads within the local highway network surrounding the proposed development include the main road between Ripon (to the south) and Masham (to the north-west) (the A6108) and to the north of the proposed development, along an east-west alignment, lies the road between Masham and the A1 (M) to the east (the B6267). As seen on Appendix A attached to this report.
- 2.6 There are restricted operating hours in respect of HGV movements for the quarry and the existing concrete plant to between 0700 hours and 1800 hours Mondays to Fridays, between 0700 hours and 1200 hours on Saturdays and no quarrying or associated operations on Sundays or Bank and/or Public Holidays.
- 2.7 The quarry produces a range of products, including 20mm, 10mm and 5mm gravels and sharp sand. The majority of the extracted mineral from the site supplies in-house customers like Hanson Concrete in the Leeds and Bradford area as well as supplying numerous large building contractors, local builders' merchants and individual cash sales collected by trailer.



- 2.8 The quarry and concrete batching plant operate accordance with the planning permission granted in October 2001. Sand and gravel was extracted by an extendable hydraulic excavator and as-raised material is loaded into dump trucks and transported across the river ford crossing to the processing plant area. All material is stocked in the main stockyard area and stock movements around the site are carried out using a loading shovel which is also used for loading road haulage vehicles. A water bowser and dust suppression system operates to help control dust around the plant site area and on internal haul roads. All wagons pass from the stockyard area over the weighbridge and sheeting area prior to leaving the site. Following a reduction in sales in 2008 the site was mothballed between October 2009 and May 2012 since this date production from the site was built back up to around 250,000 tonnes per annum, until extraction was completed.
- 2.9 The applicant company's presence in the county (not including the City of York) principally comprises Ripon Quarry (the subject of the current application and also previously known as Ure Valley Quarry) where there also exists a ready-mix concrete batching plant), Coldstones Quarry (also referred to as Pateley Bridge Quarry (aggregates and asphalt), Wykeham Quarry (aggregates and concrete) and Skipton Rock Quarry (concrete) [nb *this information is to be regarded as correct at the time of its compilation for the purpose of this report*].
- 2.10 With regard to nearby residential properties, Rushwood Lodge would be the closest, in this particular instance, being approximately 100 metres to the south of the application area. To the east of the site there is also Norton Mills which is approximately 50 metres from the application site. These properties can be seen on Appendix D attached to this report.
- 2.11 The current planning permission boundary which covers an area of 90.6 hectares. Through the S106 agreement for the previous application Hanson and the landowners of the site are required to manage the 44.5 hectares of the restored site upon completion of final restoration and aftercare works. Due to the unique interaction between the quarry and its surroundings extensive ecological monitoring and assessment has taken place at the site by both Hanson commissioned consultants and site based independent ecological specialists.
- Constraints affecting the site of the proposed development
- 2.12 A plan showing the application site and the relevant constraints are attached to this report as Appendix E and F.
- 2.13 The River Ure runs through the application site. The *Ripon Parks SSSI* and the *High Batts Nature Reserve* comprise land to adjacent to the south. The site is within the *Norton Mills Site of Importance for Nature Conservation (SINC)*. The application details explain that "*the nearby Jetty and Little Mill Bank woodlands are Sites of Importance for Nature Conservation (SINC) and there are three blocks of Ancient Woodland (dating at least 1600 AD) [including Bogg Wood and The Batts] in the vicinity*" south of the proposed development.
- 2.14 Norton Conyers Grade II Registered Park and Garden of Historic Interest is located on the eastern boundary of the site. This forms the setting of the *Grade II\* Listed Building of Norton Conyers*, a late medieval manor house (situated approximately a kilometre further to the east). Furthermore, *East Tanfield deserted medieval village*, the closest of the *scheduled monuments* in the vicinity of the proposed site lies some over 500 metres to the west. Approximately 1000 metres to the south there is also the scheduled monument of Castle Dikes.

- 2.15 A public bridleway (the '*Ripon Rowel Walk*') traverses the proposed development site from North Stainley to North Parks Farm.
- 2.16 The site is located within designated Flood Zones 2 and 3 meaning that land that has between a 1 in 100 and 1 in 1,000 year or greater annual probability of fluvial flooding (i.e. between 0.1%–1% chance of flooding from rivers in any year) and between 1 in 100 and 1 in 20 year or greater annual probability of fluvial flooding (i.e. between 1%-5% chance of flooding from rivers in any year) respectively.
- 2.17 Ripon Quarry lies approximately 12 kilometres to the south of RAF Leeming and lies within a statutory safeguarding birdstrike zone for that airfield. In addition, it is also approximately 10 kilometres within the safeguarding birdstrike zone for both RAF Dishforth and RAF Topcliffe.

#### Planning History

- 2.18 Ripon Quarry has operated commercially since at least the Second World War, extracting sand and gravel from the river and adjoining land. Since then various planning permissions have been granted with the onsite concrete plant erected under permitted development rights (under permission ref C6/500/95).
- 2.19 The original permission being varied through this application was granted in October 2001 (C6/500/93B and C2/99/045/0011). This permission provided an additional 3.9 million tonnes together with approval for the erection of a new processing plant to enable the site to increase production levels. The permission was granted subject to the requirements of a detailed restoration and long-term management plan. The 2001 extension was subject to an environmental impact assessment. The EIA included extensive assessment of the potential impact of the proposal and mitigation measures, most particularly:
- visual impact and landscape;
  - ecology and habitat;
  - hydrology and hydrogeology.
- 2.20 Planning permission ref C6/500/93B and C2/99/045/0011 includes detailed planning conditions relating to each of these issues. The S106 accompanying the permission requires the long-term management of 44.5ha of the restored site (lakes & reed beds areas) to be carried out for a period of 21 years after the end of the 5 years statutory aftercare period.
- 2.21 Planning approval was given in April 2007 for the erection of a replacement processing plant as the design of the plant had changed from the plans approved in 2001. On the 20th September 2011 the erection of the current processing plant was approved under Condition 55 of the planning permission. On 20th September 2011 and again on 23rd June 2014 for the refurbishment of the existing processing plant at Ripon Quarry was approved under the provisions of condition no. 55. Output levels and HGV movements are unrestricted from the site but operating hours and HGV movements for the quarry and concrete plant were restricted to 07.00- 18.00 Monday to Friday and 07.00 to 12.00 on Saturdays.
- 2.22 Planning application ref C6/500/95/D/CMA which was also subject to an environmental impact assessment, the application was submitted in November 2011 for a 3.5m/t extension into the Pennycroft and Thornyfields' land. The Pennycroft and Thornyfields' application is located to the south east of the processing plant and south of the river. This was granted on 22 January 2018, after being approved at committee and is subject to a S106 agreement. This permission has been implemented and is valid until 31 December 2030.

### 3.0 The Proposal

- 3.1 Planning permission is sought for the variation of condition No's 10 (duration of development), 11 (definition of development), 43 (maintenance) & 44 (landscape and restoration) of Planning Permission Ref. No. C6/500/95B & C2/99/045/0011 for the continuation of sand & gravel extraction for a further 4 years after 31 December 2015 and the submission of a revised restoration scheme on land at Ripon Quarry, North Stainley, Ripon, North Yorkshire, HG3 3HT on behalf of the Hanson Quarry Products Europe Ltd. The application is accompanied by an Environmental Statement.
- 3.2 Following submission of the scoping report to North Yorkshire County Council and discussions with NYCC Planning Officers and other statutory bodies, Hanson produced an Environmental Statement to examine the impact of the proposal on the locality. The document has been compiled with contributions from Hanson's own professional staff, along with sections from several independent consultants engaged to provide their expert opinion on the impacts of the proposed development.
- 3.3 Since this was submitted in 2015 the remaining reserves within the application site have been extracted, along with the required restoration earthworks.
- 3.4 Due to the length of time since the application was submitted, the Environmental Statement has been reviewed to make sure its details are still up to date and relevant to this planning application. The Environmental Statement comprises a single document which is separated into 11 sections covering the following areas:
- Section 1-3 Framework of the statement setting out the background to the document including a summary of development proposals and supporting plans. It also includes a non-technical summary of specialist report and supporting plans. This section is considered up to date with the latest information regarding the application and does not require any updates from the originally submitted Environmental Statement.
  - Section 4 – This is a Landscape and Visual Assessment, dated October 2015, discussing the impact on the surrounding area and all relevant designated/non-designated assets. The 2015 document is still considered relevant and does not require updating due to the landscape character of the area having not significantly changed in the past four years. The document also considers the visual impacts of the proposed developments through viewpoints, these being completed before the works were completed mean they are still relevant to the determination and do not require updating. The plans attached to the LVIA are also still considered relevant to the determination of the application and do not require updating.
  - Section 5 – This is an Ecological Impact Assessment, it is considered that this technical report including existing survey data, annual reports and other ongoing work is considered still relevant to the application as the findings and mitigation measures of the report are being implemented on the site. Furthermore since the submission of this application further annual reports have been submitted to the County Council. Therefore no updated information is required to determine this application.
  - Section 6 – This is a Transport Statement, dated 1 October 2015 and is considered was relevant to the period in which vehicle movements were continuing to the site in regards to this application. The report considered the impact on the area for the full application period which is still correct though extraction has been completed. It also considered the cumulative impact of the

further planning application on the site being the 'Pennycroft' and 'Thornyfields' extension.

- Section 7 – This is a Hydrological Assessment, it is considered this report is still relevant and does not require updating. This is due to the baseline conditions of the site being the same including the sites geology, hydrology surface water features and potential receptors. It is further considered that as the proposed development has not been amended the stated potential impacts, mitigation measures and recommendation are still relevant.
- Section 8 – This is a Noise Assessment, it is considered that the submitted assessment does not require updating as the extraction has now been completed and would not give further relevant information for the determination of this application. It is considered the general recommendations gave enough information in regards to noise make a conclusion on how the development would be controlled.
- Section 9 – This is an Air Quality Assessment, dated 28 September 2015 and discusses the existing conditions on the site and the potential impacts of the proposal. It is considered the monitoring and prediction locations stated in the assessment are still relevant and the summary of the measures do not require to be updated.
- Section 10 – This is a Cultural Heritage Statement, dated September 2015, it is considered the cultural heritage of the area has not been significantly amended since the submission of this document and there have been no further archaeological work works. Therefore this document would not require updating for the determination of this application.
- Section 11 - This is a Consideration of Alternatives document, this is still relevant as discussion of the need of the development and other alternatives include the Pennycroft extension which is now approved.

3.5 The statement has been designed to be read as a supporting document to the planning application, which makes several references to specific sections within it. The supporting Planning Statement contains the development proposal details, which have been designed to take into account the mitigating measures recommended in the EIA and general summaries of the findings of the technical reports.

3.6 The proposal seeks to continue the extraction of sand & gravel as well as its associated processing at Ripon Quarry for a further four years beyond the existing end date for mineral operations which is currently the 31<sup>st</sup> December 2015. The original timeframes for mineral extraction as approved under the above planning permission have been disrupted as a result of the downturn in the UK economy which resulted in lower sales and the site having to be mothballed for just over two and half years meaning the site has had insufficient time to recover all of those reserves. As at July 2015 580,000t of planned reserves remained within the Manor Farm extraction area at Ripon quarry which on the sites production levels equated to just under three years life with final restoration works to follow on after exhaustion of reserves in the current extraction area. In the period of time since the application was submitted in 2015 the remaining reserves within the application site have been extracted.

- 3.7 In addition to the proposed four year time extension which has now been completed the application also seeks approval to revise the final restoration scheme for the site from the approved scheme shown in plan ref U9h/68 to the amended restoration scheme shown on the Restoration Masterplan (Appendix G). As the site has been developed changes have been required to the restoration scheme. The previously approved restoration included the creation of a network of wetland habitats, incorporating freshwater fishing lakes, reedbeds and a variety of marginal habitats for bird life. The original scheme also included native woodlands, species rich grassland and agricultural land these have been created as part of the ongoing restoration objectives set out in the 5 year management plan which is requirement of the Section 106 agreement entered into as part of the grant of the planning permission in 2001.
- 3.8 The current permitted restoration scheme for part of the Manor Farm area has 9 hectares of the land restored to agricultural use and a narrow strip of land buffering the lake edge. However following restoration, while the site was mothballed, this area developed as marshy/coarse grassland, willow scrub, wetland and a pond. Therefore the Restoration Masterplan (Appendix G) shows this area will now combine agricultural land (6.4ha) and an area of nature conservation (2.7ha) instead of the original scheme of only agricultural use.
- 3.9 The applicant states the previously approved restoration scheme shows part of the Norton Mills area of the site (1.4 ha) restored as part of the central reed bed complex however due to the proximity of the river the area isn't capable of holding water. As such it is proposed to restore this area to agricultural land. It is proposed an area of nature conservation adjoining the Manor Farm Lake including cricket bat willows would reduce the risk of nutrient enrichment problems that could have been experienced if the agricultural land directly adjoined the Manor Farm Lake.
- 3.10 As part of the revised plan areas of cricket bat willows would also be planted around the Norton Mills Lake. The original approved restoration plan also shows an area of reed bed to be established adjoining the High Batts reserve, however this area has developed into a valuable area for orchids and is not included in the revised restoration. The application states the area which has willow scrub developing on silting ground would be kept and management objectives have been designed to cater for this area as part of the latest 5 year management plan. The Restoration Masterplan (Appendix G) shows the area which was to be reedbed, would now be left open to allow orchids to flourish.
- 3.11 A draft 5 year Management Plan for the period 2014 to 2019 required under the Section 106 Agreement dated 5th October 2001 was submitted on 15 November 2016 and was approved on 19 July 2017. This plan indicates the restoration objectives and proposed management of the core areas that are scheduled to be restored or have already been developed. In consultation with the Conservation Action Group further detailed management plans will be submitted every 5 years throughout the duration of the mineral extraction life, aftercare and 21 year long term management plan period. This area is within the original 44.5 ha Section 106 area and as such it will require a revision to the boundary of the S106 in the event that the application is approved. The additional nature conservation area in Manor Farm will ensure that there is minimum overall loss to nature conservation from the changes. The variation to the S106 agreement would include amendments to the management plan and site plan to include changes to the restoration of the site.

## 4.0 Consultations

- 4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 22 June 2016. A further re-consultation has taken place on the 16 July 2019 which expired on 15 August 2019 to confirm consultee comments due to the period of time which has elapsed since the original consultation.
- 4.2 **Harrogate Borough Council (Planning)** – A response was received on 24 December 2015 stating no objections to the proposal. A further response was received on 6 August 2019 stating no objections to the proposal.
- 4.3 **Hambleton District Council (Planning)** – No comments received to date.
- 4.4 **Harrogate Environmental Health Officer** – Stated no objections to the proposal but would recommend conditions in relation to noise limits, hours of use and a dust management plan as identified within the information provided, should the County Council be minded to approve this application. A further response was received on 18 July 2019 stating no additional comments. A further response was received on 27 August 2019 in relation to the plant site retention suggesting conditions to mitigate this.
- 4.5 **Hambleton DC Environmental Health** – A response was received on 20 September 2016 stating the existing planning consent includes conditions intended to control noise from the quarry operations in the interests to site operations, including use of both fixed plant and mobile machinery, shall not exceed a level of 55dB LAeq (1 hour) at any occupied property. The council's noise monitoring took place from Thursday 14th July to Monday 25th July 2016. The results show that over eight days the quarry was operational there were 21 periods above 50dB LAeq (1 hour) and 3 periods above 55dB LAeq (1 hour). This indicates that the council's complainant is justified and is being subjected to noise levels in excess of WHO guidelines and also above the level specified in condition 25 of the planning permission and therefore is likely to be suffering detriment to amenity.
- 4.5.1 The monitoring carried out by Vibrock on behalf of Hanson under condition 26 is required to be carried out once every 3 months. Vibrock monitoring reports have also identified exceedances of the 55dB LAeq (1 hour) limit. Before the environmental health service can make an informed assessment on the proposals the council recommends that Hanson re-assesses the existing noise climate in order to identify why these breaches are occurring and what mitigation, if any, can be used to reduce noise levels to below the 55dB LAeq (1 hour) limit. This information should be submitted to the local planning authority as an acoustic assessment taking into account all noise sensitive locations and carried out by a competent person. Until this information is received the environmental health service cannot determine whether a suitable and achievable noise condition that protects the local amenity is possible.
- 4.5.2 The environmental health service considered the information provided by the agent with a further response on 16 December 2016 stating the district council's noise monitoring was carried out with the aim of assessing the noise environment typically experienced by the complainant on a daily and weekly basis, rather than just a 1 hour snap-shot every 3 months. The monitoring results, previously provided as LAeq (impulsive time weighting), have been reviewed and now re-issued as LAeq (please see attached spreadsheet) and show within the operational hours there are still three apparent exceedances of the noise limit. These occurred on Tuesday 15th, Tuesday 19th and Thursday 21st July 2016. The monitoring was carried out on a remote basis and therefore the district council was not present to identify other noise that could influence the results.

- 4.5.3 The district council agrees with Hanson that ambient sound includes contributions from other sources and not just from the quarry operations, and there may be occasions when the effects of leaf rustle, wind noise, road/air traffic, bird song etc. could influence the results, but this is the same for all measurements including those commissioned by Hanson as part of the planning requirements. The quarterly noise monitoring carried out by Vibrock has shown that at the time of the monitoring, for the majority of occasions, the noise limit of 55dBLAeq (1hr) is not being breached. However, there have been occasions when Vibrock's own monitoring has identified a breach of this limit.
- 4.5.4 Whilst the district council acknowledges the efforts Hanson has made in seeking to reduce the potential for noise from their operations, the district council's results, whilst not definitive, do indicate there are occasions when noise from the quarry may be causing an exceedance of the noise limit. The quarterly visits made by Vibrock, whilst complying with the planning condition requirements, are insufficient to properly demonstrate the noise environment over a typical working day, week or month. The district council therefore recommends that Hanson should carry out their own extended period of monitoring to fully assess the noise environment from their quarry operations, rather than relying on a single 1 hour measurement every 3 months.
- 4.6 **Harrogate Conservation Officer** – No comments received to date.
- 4.7 **Historic England** – A response was received on 15 December 2015 stating the application lies adjacent to the Scheduled Monuments (SM) known as 'East Tanfield deserted medieval village' (NHLE 1016260); the 'Earth circles, curses, pit alignments and burial sites near Nosterfield and Thornborough (NHLE 1004912); the Grade II listed Registered Park and Garden of Norton Conyers (NHLE 1001068) and Norton Conyers Hall complex, the hall being Grade II\* (NHLE 1150059). Although there are no direct physical impacts on the designated assets or changed impacts on their setting, it is the view of Historic England that the development proposal may raise archaeological considerations and therefore we recommend that you seek advice from the Heritage & Environment section of NYCC. We are content to defer to any archaeological conditions which they consider appropriate as set out by the NPPF and the associated Practice guide. A response was received on 22 July 2019 stating on the basis of the information Historic England do not wish to offer any comments.
- 4.8 **Highway Authority** – A response was received on 7 December 2015 stating *“additional information is required as the Transport Statement states that the visibility at the access is below standard and therefore suggests this needs further consideration. The applicant responded stating “the existing access has been in use for many years, although the sight line to the left from the access is below that the recommended provision in accordance with DMRB for a 60mph road because of the presence of a hill which restricts visibility to 130m for car drivers (it would be slightly further for HGV drivers as they sit some 2. Higher up), it is considered adequate. The last 5 years accident data provided in the Traffic Assessment demonstrates that the access operates safely and that there is no evidence to suggest otherwise. All traffic turns left from the site except local deliveries to the north. We do not feel that any further investigation is warranted.”*
- 4.8.1 In October 2018 a highways officer responded stated the visibility to the left of the is below standard due to the hill and the highways officer is concerned when vehicles approach the junction from the east and make the right turn into the Quarry. The officer appreciates there has been no accidents at the junction which might mean generally approach speeds of other vehicles allows vehicles to stop in time.

- 4.8.2 After a re-consultation on 7 June 2019 the Highways authority responded on 14 June 2019 stating the extraction and restoration of the site had been completed and that the Pennycroft extension was controlled through planning permission ref. C6/500/95/D/CMA, dated 22 January 2018 therefore responded stating no objections to the application.
- 4.8.3 A further re-consultation response was received on 27 August 2019 stating the Highways Authority were happy with the five proposed conditions in relation to control the access road in relation to the quarry site, covering the main issues with the operations and vehicles entering the highways network.
- 4.9 **North Stainley with Sleningford Parish Council** – No comments to date.
- 4.10 **Wath and Norton Conyers Parish Council** – Responded stating no comments in regards to the application.
- 4.11 **Tanfield Parish Council** - Objected to the application on the 11 January 2016 stating issues with the potential volume of quarry traffic through East and West Tanfield, including light vehicles which already use this route. The consultee further states issues with the noise levels from the site due to the site operating and the processing plant working, the possibility of boreholes in East Tanfield running dry. The objections is also on the grounds of the impact on the Southern Henge, the remains of local medieval village and impact of encroachment and of lowering of the water table. Tanfield Parish Council also comment lack of regular liaison meetings with local residents, which were offered but that these have not taken place and state the Parish Council feel there are enough wetlands in the area so are opposed to the restoration to lakes and the potential loss of the best and most versatile land.
- 4.12 **NYCC Archaeology** – A response was received on 15 December 2015 stating that the Cultural Heritage Statement details the archaeological work that has been undertaken to date across the site. It has been concluded through an absence of archaeological evidence that the site has low archaeological potential. The applicant is proposing to undertake a further archaeological watching brief should the field next to the plant site be required for additional stockpiles, therefore the archaeologist supports this approach and recommend that the condition proposed by the applicant by attached to the decision notice if permission is granted.
- 4.13 **NYCC Ecology** – A response was received on 15 December 2015 stating no concerns regarding the above application in relation to the extension of time to undertake the development and the associated amendments to the above conditions. Stating with regard to the proposed revised restoration scheme, I am generally in agreement with the revision, subject to the following:
- amendment to the section 106 boundary to include the ecological wetland area at Manor Farm;
  - integration of the Manor Farm wetland area into the next 5 year management plan and confirmation that it will be subject to the 21 year extended aftercare period;
  - further information on the approach to reducing nutrient enrichment from the agricultural area to the north and how the drainage of the agricultural area might affect the water levels in the wetland;
  - recommended that the agricultural area to the north of Manor Farm wetland is managed as low intensity grazing land, as this is felt to compliment the wetland area and may reduce issues of nutrient run off.



4.13.1 The applicant responded stating they can confirm the S106 boundary will be amended to include the Manor Farm wetland and that this area will be incorporated into the 5 year management plan and be subject to the extended aftercare period. We would accept a condition requiring that a revised 5 year management plan be submitted within 3 months of consent. As regards the agricultural land, the current thinking is that will not be drained and will be restored to low intensity grazing. This is something that can be addressed in the management plan. A further response was received on 23 July 2019 stating no concerns regarding the application and are in agreement with the revised restoration scheme. The response also states it is happy with the updated S106 plan and confirms the Manor Farm wetland area has been included and is satisfied that the area would be include within the 5 year management plan and covered by the 21 year extended aftercare period. A response was received on 27 August 2019 in relation to the Conservation of Habitats and Species Regulations (2017) and the likely impact on the Special Area of Conservation (SAC) stating as there would be no activities which affect the flow regime of the river Ure, pose a risk of pollution or are likely to cause sedimentation of the river bed. It would not be expected any impacts on the population of River Lampreys which use the river for spawning and larval development. However an Appropriate Assessment is still required still required to be completed as stated in the Conservation of Habitats and Species Regulations. Any approval in regards to this application would be subject to an Appropriate Assessment screening being completed and their being no further issues.

4.14 **NYCC Landscape** – A response was received on 14 December 2015 stated in regards to the proposed amended conditions:  
Condition 10: Duration of development - No objection to the continuation of the development for a further 4 years after the end of December 2015, or to the proposed wording for the replacement condition.  
Condition 11: Definition of development - No objection to the proposed wording for the replacement condition.  
Condition 43: Maintenance - No objection to the proposed wording for the replacement condition.  
Condition 44: Landscape and restoration - No objections to the extension of the period for extraction on landscape and visual grounds, or to the proposed replacement condition. The baseline for the study is the existing situation, with areas of both active extraction and restoration occupying a large expanse of land within the River Ure valley bottom. The effects that are predicted are those that are likely to arise from the four year extension of time.

4.14.1 The consultation response states the conclusions of the Landscape and Visual Assessment considers the existing landscape context for the quarry is considered to be of medium sensitivity, with the magnitude of effects considered to be 'low adverse', with an overall 'insignificant' effect. With visual effects considered to be localised and of low magnitude, with the significance of the effects being 'slight adverse'. The site would be partly visible from viewpoint 6 at Rushwood Lodge but the residents do not want screening. Elsewhere, existing mitigation measures are considered to be effective and overall, no further mitigation is thought to be needed.

4.14.2 Cumulative effects are not considered to be of significance as the development is not visible with other operational or restored mineral sites and the extension of time would not involve increasing the scale of the quarrying operations within the local landscape area. Landscape effects as a result of continuing development for a longer duration, involving retention of existing plant and on-going quarrying operations, are therefore considered to be not significant. Over the extended lifetime of the quarry, restored areas would continue to mature, and ultimately restoration objectives for all areas would still be achieved.

- 4.14.3 The previous restoration scheme is shown on plan ref U9h/68 dated March 1999. The current restoration scheme dated October 2015 is shown on Plan 5. The landscape officer's view is that they would have no objections to the updated scheme.
- 4.14.4 A response was received on 30 August 2019 stating no objection to the revised landscape restoration scheme. The Landscape officer further states they are satisfied that works are mostly completed and that on a site visit on the 29 August 2019 the further works to be completed are the agricultural field on the North West side of the Manor Farm Lake to be cultivated and seeded, the agricultural drainage being put into the fields and the review and ongoing maintenance of the aftercare period. The landscape officer notes that the plant site to the south of the river Ure is still operational to the adjoining extension area for extraction (Ref. C6/500/95/D/CMA). Therefore restoration will be delayed for the plant site area and a new timescale to ensure this part of the site is restored once extraction works are completed.
- 4.15 **NYCC Public Rights of Way Team** - A response was received on 19 July 2019 giving no comments but requesting an informative to be added to any permission in regards to the protection of the adjacent public right of way.
- 4.16 **Environment Agency** – A response was received on 2 February 2016 stating no objection in terms of the Hydrogeology assessment of Ripon Quarry. The consultee is satisfied with the level of information provided in the report, including the geological setting, groundwater level data and calculations of radius of influence of dewatering. The historical operation of the site and continuing monitoring of groundwater levels have not shown any significant impacts on nearby water features. Therefore stating the mitigation measures proposed to address any risks from this development subject to the previous condition in regards to monitoring is carried forward. A further response was received on 31 July 2019 stating no further comments in regards to the application.
- 4.17 **Natural England** – A response was received on 15 December 2015 stating no objections. A further response was received on 31 July 2019 stating no further comments in regards to the application.
- 4.18 **Yorkshire Wildlife Trust** – A response was received stating there has been a thorough assessment of the ecological value of the site and the potential impact of the extension of time for extraction at the quarry, therefore the trust does not have any further comments to make.
- 4.19 **High Batts Nature Reserve** – No comments received to date.
- 4.20 **Yorkshire Water** - A response was received on 4 December 2015 stating no comments and that there was no public infrastructure affected. A further response was received on 16 July 2019 stating no further comments.
- 4.21 **National Planning Casework Unit** – A response was received on 7 January 2016 stating no comments.
- 4.22 **Northern Gas Networks** – No comments received to date.
- 4.23 **National Grid (Plant Protection)** – No comments received to date.
- 4.24 **Health & Safety Executive (Hazardous Installations Dir)**– No comments received to date.
- 4.25 **British Telecom** – No comments received to date.

4.26 **Ministry of Defence Safeguarding Organisation** – No comments received to date.

4.27 **BT Group PLC** – No comments received to date.

#### **Notifications**

4.28 **County Cllr. Margaret Atkinson** – Was notified on 30 November 2015.

### **5.0 Advertisement and representations**

5.1 The proposal has been advertised by means of 10 Site Notices posted on 21 November 2016 (responses to which expired on 12 December 2016). The Site Notices were posted one on the Haul road on the public right of way, one at the site entrance on the A6108, one on north Stainley high street on a bus stop south of the church, one on North Stainley high street next to the church, one in North Stainley north of the church, one in West Tanfield below a village notice board next to the car park, two at East Tanfield on the C road north of the quarry, one in Wath opposite The George Pub and one at Norton Conyers on a C road east of the site on a telegraph pole. A Press Notice appeared in the Harrogate Advertiser on 10 December 2015 (responses to which expired on 24 December 2015).

5.2 Neighbour Notification letters were sent on 30 November 2016 and the period in which to make representations expired on 21 December 2015. The following properties received a neighbour notification letter:

- Keepers Cottage, Norton Conyers, Ripon, North Yorkshire, HG4 5EQ;
- North Parks Farm, North Stainley, Ripon, North Yorkshire, HG3 3HS;
- Norton Mills, Norton Conyers, Ripon, North Yorkshire, HG4 5LT;
- Badger Bank Farm, Norton Conyers, Ripon, North Yorkshire, HG4 5LT;
- Norton Conyers, Near Ripon, North Yorkshire, HG4 5EQ;
- Plaster Pitts Cottages, Norton Conyers, Ripon, North Yorkshire, HG4 5EF;
- Plaster Pitt, Norton Conyers, Ripon, North Yorkshire, HG4 5EF;
- Rushwood Hall, East Tanfield, Ripon, North Yorkshire, HG4 5LW.

5.3 A total of nine letters of representation have been received raising objections on the grounds of:-

- Noise impact on country lanes and bridleways;
- Light pollution from the quarry;
- Impact on views in the area;
- Quarry traffic levels;
- Dust impacts and air quality;
- Quarry vehicles crossing the river impacting upon flora and fauna. River Ure Landscape impacts;
- Impact of quarrying and dewatering on the historic environment, its setting cultural heritage and character;
- Damage to cropping ability of the surrounding land;
- Loss of agricultural land;
- Impact on biodiversity;
- Land stability issues and the impact of dewatering;
- Impact of water levels and boreholes in the area;
- Delay in restoration;
- No opportunity in the restoration of the site for recreation, leisure and learning through development of the site;
- The restoration being deep lake as there are too many deep lakes in the area;
- Cumulative impacts with Pennycrofts and Thorneyfields extension to the quarry.

## 6.0 Planning policy and guidance

### The Development Plan

- 6.1 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. Although not part of the development plan the National policy relevant to the determination of this particular planning application is the National Planning Policy Framework (NPPF) (published 2019) and the Planning Practice Guidance. Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- i.) 'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii.) 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'.
- 6.2 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.
- 6.3 The *Development Plan* for the determination of this particular application comprises the following:
- Draft policies contained within the emerging Minerals and Waste Joint Plan (MWJP);
  - The extant 'saved' policies of the North Yorkshire Minerals Local Plan (1997);
  - The extant policies of the Hambleton District Council Core Strategy (2007);
  - The extant policies of Hambleton District Council Development Policies (2008)
  - The extant policies of the Harrogate District Core Strategy (2009);
  - The 'saved' policies of the Harrogate Borough Local Plan (2001).
- 6.4 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect, it is worth noting that the following document contains emerging local policies that are of relevance to this application:
- Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).
- 6.5 The draft MWJP was published in November 2016 to receive representations. Consultation. The MWJP was submitted to the Secretary of State for Communities and Local Government on 28 November 2017 with the Examination in Public (EiP) taking place until April 2018. Further re-consultation responses are expected to come in shortly following the latest hearing sessions. Once the Inspector has written the report it is then anticipated that the Plan could be adopted by the end of autumn 2019. There are no significant matters proposed in the Modifications in respect of the policies listed below which would affect the general policy position on those topics.

Strategic policies for minerals:

- Policy M01 - Broad geographical approach to supply of aggregates;
- Policy M02 - Provision of sand and gravel;
- Policy M03 - Overall distribution of sand and gravel provision;
- Policy M04 - Landbanks for sand and gravel;
- Policy M07 - Meeting concreting sand and gravel requirements; and

Development Management Policies:

- Policy D01 - Presumption in favour of sustainable minerals and waste development;
- Policy D02 - Local amenity and cumulative impacts;
- Policy D06 - Landscape;
- Policy D07 - Biodiversity and geodiversity;
- Policy D10 - Reclamation and afteruse; and
- Policy D12 - Protection of agricultural land and soils.

6.6 Policy M01 in regards to Broad geographical approach to supply of aggregates states the *“Plan area outside the North York Moors National Park, the Areas of Outstanding Natural Beauty and the City of York will be the main focus for extraction of aggregate (sand and gravel and crushed rock). Exceptions to this principle will be made for: 2) In the Areas of Outstanding Natural Beauty, the extension of time for the extraction of remaining permitted reserves at existing quarries and/or the limited lateral extension or deepening of existing quarries where necessary to help ensure continued operation of the site during the Plan period. Any proposals in these areas will need to demonstrate a particularly high standard of mitigation of any environmental impacts including, where practical, enhanced mitigation and higher-quality site reclamation compared with that required by the existing permission/s. Where proposals are considered to comprise major development the test for major development in Policy D04 will also need to be satisfied.”*

6.7 Policy M02 in regards to the provision of sand and gravel states *“Total provision for sand and gravel over the 15 year period 1st January 2016 to 31st December 2030 will be 36.6 million tonnes, at an equivalent annual rate of 2.44 million tonnes.*

*Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary to maintain a landbank of at least 7 years for sand and gravel at 31 December 2030 based on an annual rate of provision to be determined through the review. “*

6.8 Policy M03 in regards to Overall distribution of sand and gravel provision states *“Overall provision of sand and gravel will be allocated in the following proportions:*

- *Concreting sand and gravel (Southwards distribution area): 50%*
- *Concreting sand and gravel (Northwards distribution area): 45%*
- *Building sand: 5%*

*If it is not practicable to make overall provision in accordance with this ratio, through grant of permission on allocated sites, provision for concreting sand and gravel shall be made across both areas in combination.”*

6.9 Policy M04 in regards to Landbanks for sand and gravel states *“A minimum 7 year landbank for concreting sand and gravel will be maintained throughout the Plan period for each of the northwards and southwards distribution areas identified on the key diagram. “*

- 6.10 Policy M07 in regards to Meeting concreting sand and gravel requirements states *“Requirements for concreting sand and gravel will be met through existing permissions and the grant of permission on sites and areas identified in the Joint Plan for working.*

*Part 1) Sand and gravel (northwards distribution) site allocations:*

*i) All locations required in order to meet requirements during the Plan period:*

*Land at Killerby (MJP21)*

*ii) Allocations potentially required to contribute to maintenance of an adequate landbank at 31 December 2030. Permission will not be granted for development of these allocations prior to 2025, unless there is a shortfall in the sand and gravel landbank in the northwards distribution area or there is a shortfall in production capacity in the northwards distribution area requiring the release of additional sites for working:*

*Land at Home Farm, Kirkby Fleetham (MJP33)*

*Land South of Catterick (MJP17)*

*Proposals for development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.*

*Part 2) Sand and gravel (southwards distribution) site allocations and Areas of Search:*

*i) Allocations required in order to meet requirements during the Plan period:*

*Land at Langwith Hall Farm (MJP06)*

*Land at Pennycroft and Thorneyfields, Ripon (MJP14)*

*A Preferred Area on land at Oaklands (MJP07)*

*Proposals for development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.*

*ii) Areas of Search for concreting sand and gravel are identified as shown on the key diagram. Planning permission will be granted for development of sites within an Area of Search where necessary in order to maintain an adequate landbank at 31 December 2030 in the southwards distribution area and the need cannot be met through development of allocated sites or preferred areas. Permission will not be granted for development within these Areas of Search prior to 2025, unless there is a need for the earlier release of further reserves in order to maintain an adequate landbank or there is a shortfall in production capacity in the southwards distribution area requiring the release of additional sites for working.”*

- 6.11 Policy D01 in regards to presumption of sustainable development states *“When considering development proposals the Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Authorities will always work proactively with applicants 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 this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date then the Authority will grant permission unless:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.”*

- 6.12 Policy D02 in regards to Local Amenity and Cumulative Impacts states *“Proposals for minerals and waste development, including ancillary development and minerals and waste transport infrastructure, will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space including as a result of:*
- *noise,*
  - *dust,*
  - *vibration,*
  - *odour,*
  - *emissions to air, land or water,*
  - *visual intrusion,*
  - *site lighting,*
  - *vermin, birds and litter,*
  - *subsidence and land instability,*
  - *public health and safety,*
  - *disruption to the public rights of way network,*
  - *the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park,*
  - *cumulative effects arising from one or more of the above at a single site and/or as a result of a number of sites operating in the locality.*

*Proposals will be expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable.*

*2) Applicants are encouraged to conduct early and meaningful engagement with local communities in line with Statements of Community Involvement prior to submission of an application and to reflect the outcome of those discussions in the design of proposals as far as practicable.”*

- 6.13 Policy D06 in regards to Landscape relevant points state:
- “1) all landscapes will be protected from the harmful effects of development. Proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures.*
- 4) Where proposals may have an adverse impact on landscape, tranquility or dark night skies, schemes should provide for a high standard of design and mitigation, having regard to landscape character, the wider landscape context and setting of the site and any visual impact, as well as for the delivery of landscape enhancement where practicable.”*
- 6.14 Policy D07 in regards to Biodiversity and Geodiversity states:
- “1) Proposals will be permitted where it can be demonstrated that there will be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites and features, Sites of Importance for Nature Conservation, Sites of Local Interest and Local Nature Reserves, local priority habitats, habitat networks and species, having taken into account any proposed mitigation measures.*
- 3) Development which would have an unacceptable impact on the notified special interest features of a SSSI or a broader impact on the national network of SSSIs, or the loss or deterioration of ancient woodland or aged or veteran trees, will only be permitted where the benefits of the development would clearly outweigh the impact or loss.*

4) Where development would be located within an Impact Risk Zone defined by Natural England for a SPA, SAC, RAMSAR site or SSSI, and the development is of a type identified by Natural England as one which could potentially have an adverse impact on the designated site, proposals should be accompanied by a detailed assessment of the potential impacts and include proposals for mitigation where relevant.

5) Through the design of schemes, including any proposed mitigation measures, proposals should seek to contribute positively towards the delivery of agreed biodiversity and/or geodiversity objectives, including those set out in agreed local Biodiversity or Geodiversity Action Plans, or in line with agreed priorities of any relevant Local Nature Partnership, with the aim of achieving net gains for biodiversity or geodiversity and supporting the development of resilient ecological networks.”

6.15 Policy D10 in regards to Reclamation and Aftercare states:

*“Part 1) Proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and, where appropriate to the scale and location of the development, have demonstrably:*

- i) Been brought forward following discussion with local communities and other relevant stakeholders and, where practicable, the proposals reflect the outcome of those discussions;*
- ii) Taken into account the location and context of the site, including the implications of other significant permitted or proposed development in the area and the range of environmental and other assets and infrastructure that may be affected, including any important interactions between those assets and infrastructure;*
- iii) Reflected the potential for the proposed restoration and/or afteruse to give rise to positive and adverse impacts, including cumulative impacts, and have sought where practicable to maximise potential overall benefits and minimise overall adverse impacts;*
- iv) Taken into account potential impacts on and from climate change factors;*
- v) Made best use of onsite materials for reclamation purposes and only rely on imported waste where essential to deliver a high standard of reclamation;*
- vi) Provided for progressive, phased restoration where appropriate, providing for the restoration of the site at the earliest opportunity in accordance with an agreed timescale;*
- i) Provided for the longer term implementation and management of the agreed form of restoration and afteruse (except in cases of agriculture or forestry afteruses where a statutory 5 year maximum aftercare period will apply).*

*Part 2) In addition to the criteria in Part 1) above, proposals will be permitted which deliver a more targeted approach to minerals site restoration and afteruse by contributing towards objectives, appropriate to the nature, scale and location of the site, including where relevant:*

- i) In areas of best and most versatile agricultural land, prioritising the protection and enhancement of soils and the long term potential to create areas of best and most versatile land during reclamation of the site;*
- ii) Where opportunities allow, particularly for sand and gravel extraction in the flood plains of the rivers Swale and Ure, providing additional flood storage capacity to help to minimise flooding in upstream and downstream locations;*
- iii) Within the National Park and AONBs, enhancing the special qualities of the designated area and/or providing opportunities for the enjoyment and understanding of those special qualities;*
- iv) Within airfield safeguarding zones, particularly where reclamation for biodiversity is involved, ensuring that reclamation and afteruse proposals respect safeguarding constraints whilst maximising the potential restoration and afteruse benefits delivered by the site;*
- v) In proximity to important heritage assets, ensuring that the significance of assets and their settings is sustained and where practicable enhanced and, also where practicable, that opportunities to facilitate enjoyment of the asset are provided;*



- vi) *Where the development is located within or adjacent to identified green infrastructure corridors, reflecting any locally agreed priorities for delivery of additional or enhanced green infrastructure and ecosystems services;*
- vii) *In proximity to major settlements within and adjacent to the Plan area, and subject to local amenity considerations, providing enhanced opportunities for informal and formal public access and recreation;*
- viii) *Promoting the delivery of significant net gains for biodiversity and the establishment of a coherent and resilient ecological network, based on contributing, where practicable, towards established objectives including the creation of Biodiversity Action Plan habitats, and seeking to deliver benefits at a landscape scale;*
- ix) *Creating geodiversity benefits where appropriate including contributing towards the delivery of priorities identified in any relevant Geodiversity Action Plan.”*

- 6.16 Policy D12 in regards to Protection of agricultural land and soils states:  
*“Best and Most Versatile agricultural land will be protected from unnecessary and irreversible loss. Where development of best and most versatile agricultural land is justified proposals should prioritise the protection and enhancement of soils and the long term potential to recreate areas of best and most versatile land. Where relevant, development will be subject to aftercare requirements to ensure that a high standard of agricultural restoration can be achieved. Development proposals will be required to demonstrate that all practicable steps will be taken to conserve and manage on-site soil resources, including soils with environmental value, in a sustainable way. Development which would disturb or damage soils of high environmental value such as peat or other soil contributing to ecological connectivity or carbon storage will not be permitted.”*

‘Saved’ North Yorkshire Minerals Local Plan Policies

- 6.17 This has particular relevance in the determination of this application and the policies most relevant include:

Mineral extraction and resource protection:

- ‘saved’ Policy 3/2 – Preferred Areas;

Environmental considerations:

- ‘saved’ Policy 4/1 – Determination of Planning Applications;
- ‘saved’ Policy 4/6A – Nature Conservation and Habitat Protection – Local;
- ‘saved’ Policy 4/10 – Water Protection;
- ‘saved’ Policy 4/14 – Local Environment and Amenity;
- ‘saved’ Policy 4/15 – Public Rights of Way;
- ‘saved’ Policy 4/16 – Ancillary development etc.;
- ‘saved’ Policy 4/18 – Restoration to agriculture;
- ‘saved’ Policy 4/20 – Aftercare.

Aggregate minerals:

- ‘saved’ Policy 5/1 – Sand and Gravel Landbanks.

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

- 6.19 The NPPF states that planning authorities should plan for “a steady and adequate supply of aggregates” providing for “the maintenance of landbanks of non-energy minerals from outside National Parks” (in the case of sand and gravel a landbank of at least seven years) by “making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Coordinating Group as appropriate”. It then states that “such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate” (NPPF Paragraphs 205 and 207 refer). It is considered that this ‘saved’ policy is consistent with the NPPF. It should be noted, however, that the area of land which is the subject of this current application lies to the immediate south of the area previously allocated as a ‘Preferred Area’ within the NYMLP which is close approaching being ‘worked out’. The area of land, the subject of this current application, is not land that has been previously allocated within the adopted NYMLP; however, as will be explained later in this report, it does comprise land which is proposed to be allocated within the emerging proposals for the new Joint Minerals and Waste Local Plan (Appendix 1 to the Publication Draft of the Plan refers).
- 6.20 ‘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 proposal;*  
*f) the proposals and programme for restoration are acceptable and would allow a high standard of restoration 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*  
*l) any cumulative impact on the local area resulting from the proposal is acceptable.*
- 6.21 With regard to criteria f) and g), Paragraph 205 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. Criterion i) of ‘saved’ Policy 4/1 is consistent with paragraph 205 of the NPPF. Paragraph 205 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. In terms of this application listed above are the only relevant points in ‘Saved’ Policy 4/1 the other elements of the policy relate to a minerals application.
- 6.22 ‘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. This Policy is consistent with paragraph 170 of the NPPF. Paragraph 170 states that that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. In terms of this application the effect of the proposal on the approved restoration scheme and how this would affect nature conservation and habitat protection are the relevant aspects of this policy.

- 6.23 In that the proposed development, the subject of this application, involves the extraction of mineral both laterally and in depth, ‘saved’ Policy 4/10 of the NYMLP (guarding against unacceptable impacts upon surface or groundwater resources) is a relevant policy to which due regard must be had. This is considered to be consistent with NPPF’s Paragraph 109 which seeks to ensure only proposals which do not pose unacceptable surface or groundwater resource impacts are permitted and is, furthermore, consistent with NPPF’s Paragraph 204 which states that “...*authorities should: set out environmental criteria...against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on... the flow and quantity of surface and groundwater and migration of contamination from the site*”. Given its NPPF consistency, full weight may, therefore, be attributed to ‘saved’ Policy 4/10 of the NYMLP.
- 6.24 ‘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. This Policy is considered to be consistent with paragraph 205 of the NPPF. Paragraph 205 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.
- 6.25 In instances where a proposed development would give rise to the interruption, obstruction or conflict with a public right of way (PRoW), ‘saved’ Policy 4/15 states it would “*only be permitted where satisfactory provision has been made in the application for protecting the existing right of way or for providing alternative arrangements both during and after working*”. While this policy’s consistency with the NPPF can be found within Paragraph 98 which states that “*policies should protect and enhance public rights of way and access*”, it goes further in that it seeks “*opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails*”. Nevertheless, ‘saved’ Policy 4/15 maintains consistency with the NPPF and may, therefore, be afforded full weight in the determination of this application.
- 6.26 It is considered that the first element of ‘saved’ Policy 4/15, relating to protecting the environment and local amenity, is in compliance with the principles of the NPPF in facilitating the sustainable use of minerals as outlined in Chapter 17, with particular reference to paragraph 205. It is noted that this application relates solely to an ancillary operation, and therefore, the policy is considered relevant to this application. It is, therefore, considered that full weight can be given to this policy in the determination of this application.
- 6.27 ‘Saved’ Policy 4/18 – ‘Restoration to Agriculture’, states that ‘*Where agriculture is the intended primary afteruse, 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.*’ It is considered that the Policy does not conflict with the aims and objectives of the NPPF, therefore, should be given weight in this instance. This application affects the approved restoration scheme for this site so therefore this policy is relevant to the determination of this application.

- 6.28 '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. This Policy is considered to be consistent with paragraph 205 of the NPPF. Paragraph 205 states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.
- 6.29 'Saved' Policy 5/1 relates to the future requirement for sand and gravel within the county and states the County Council "*will identify three landbanks for calculating sand and gravel provision, as follows:-*  
*(a) Sand and gravel (northwards);*  
*(b) Sand and gravel (southwards); and*  
*(c) Building sand.*  
*In determining which of the landbanks for sand and gravel a site falls within, the County Council will take into account the geographical location of the site and the likely external markets for the material.'*
- 6.30 This 'saved' policy is considered to be consistent with the aims of the NPPF in seeking to maintain an adequate and steady supply of aggregate materials and aligns with NPPF Paragraph 205 which states authorities should "*give great weight to the benefits of mineral extraction, including to the economy; as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas*" as well as Paragraph 205 which states that "*authorities should plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised*" and, as a consequence, is afforded full weight in the determination of the current application.

Harrogate Core Strategy (2009)

- 6.31 The Core Strategy DPD sets out the direction and strategy for development and conservation in the Borough up to the year 2021 and beyond. Although Harrogate Borough Council are not the statutory planning authority for mineral-related development proposals, it is considered that, in forming an integral part of the Development Plan against which this current application must be assessed, it does contain policies relevant to the determination of this planning application. Those policies comprise:
- Policy SG4 - Design and Impact;
  - Policy EQ1 - Reducing the risks to the environment; and,
  - Policy EQ2 - The Natural and Built Environment and Green Belt.
- 6.32 Within the Harrogate Core Strategy Policy SG4, "Design and Impact" with regards to residential amenity it states "*the scale, density, layout and design should make the most efficient use of land*", and that the "*visual, residential and general amenity should be protected and where possible enhanced*". This policy is consistent with the NPPF's objectives of presumption in favour of sustainable development, 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. Therefore, full weight can be given to this policy in the determination of this application.

- 6.33 Policy EQ1 states *“In partnership with the community, the development industry and other organisations, the level of energy and water consumption, waste production and car use within the District, and the consequential risks for climate change and environmental damage will be reduced through design, construction and subsequent operation of all new development seeking to minimise energy and water consumption, the use of natural non-renewable resources, travel by car, flood risk and waste. Stating until a higher national standard is required, all new development requiring planning permission for other types of development it should attain ‘very good’ standards as set out in the Building Research Establishment Environmental Assessment Method (BREEAM). Finally stating proposals for renewable energy projects will be encouraged, providing any harm caused to the local environment and amenity is minimised and clearly outweighed by the need for and benefits of the development”*. It is, therefore, considered that policy EQ1 is consistent with national guidance and is given weight in the determination of this application.
- 6.34 Within the Harrogate Core Strategy, Policy EQ2 provides the Borough Council’s response to development within both the natural and built environment of the district. Within the Strategy, paragraph 7.36 states *“Policy EQ2 recognises the importance of those sites/areas of international and national importance for the protection and enhancement of the Districts character, biodiversity, landscape and heritage”*. It is considered that the policy is consistent with Paragraph 193 of the NPPF which states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”*. It is, therefore, considered that policy EQ2 is consistent with national guidance and is given weight in the determination of this application.

Harrogate Local Plan ‘Saved’ Policies (2001)

- 6.35 In addition to the Harrogate District Core Strategy (2009) the Harrogate District Local Plan (2001) also warrants consideration in relation to this proposal. The policies most relevant include:
- ‘Saved’ Policy C2 - Landscape character;
  - ‘Saved’ Policy NC3 - Local wildlife sites;
  - ‘Saved’ Policy NC4 - Semi-natural habitats;
  - ‘Saved’ Policy HD7A - Parks and Gardens of Historic Interest;
  - ‘Saved’ Policy R10 - River Ure and Ouse Navigation;
  - ‘Saved’ Policy R11 - Rights of Way.
- 6.36 ‘Saved’ Policy C2 - Landscape Character states that *“development should protect existing landscape character. In locations where restoration of the landscape is necessary or desirable, opportunities should be taken for the design and landscaping of development proposals to repair or reintroduce landscape features, to the extent that this is justified by the effects of the proposal”*. This policy is NPPF-consistent in that it aligns with the objectives as referred within Chapter 15 Conserving & Enhancing the Natural Environment.
- 6.37 ‘Saved’ Policy NC3 safeguards against development likely to adversely affect a Local Nature Reserve (LNR) or Site of Importance for Nature Conservation (SINC). While the High Batts area of the SSSI is referred to as a Nature Reserve, it is absent within the listing of local designations. Furthermore, notwithstanding this policy’s broad alignment with NPPF Paragraph 170, it is nevertheless distinguishable in that the NPPF policy steers development toward minimising impacts on biodiversity and providing biodiversity net gains and for the purpose of the determination of this application. This particular policy of the development plan (Policy NC3) is only

afforded limited weight as the NPPF has greater regard for the potential for short-term impacts to be off-set by longer term benefits and the NPPF policy is, therefore, given more weight in this instance.

- 6.38 With reference to semi-natural habitats, 'saved' Policy NC4 seeks to protect such sites from development that would give rise to their loss or damage. Whilst again broadly consistent with NPPF Paragraph 170, this policy is only given limited weight as it does not wholly align with the national policy which again takes more account for the potential of short-term impacts being off-set by longer term benefits.
- 6.39 'Saved' Policy NC3 is considered partially consistent with the NPPF's objectives of achieving sustainable development through good design, as outlined in Chapter 7, in particular as detailed in paragraphs 123-127, which relate to development respecting the character of the area. NPPF paragraphs 190-193 support this in terms of conserving and enhancing the Historic Environment. In terms of the design aims of Policy HD20, it is therefore considered that the policy is broadly consistent with the aims of the National Planning Policy Framework (2019) and, therefore, partial weight should be afforded Policy HD20 in relation to the determination of this application.
- 6.40 'Saved' Policy HD7A states that development "*will not be permitted where it would adversely affect the character or setting of parks and gardens included in the English Heritage Register of Parks and Gardens of Special Historic Interest*". This is considered to be broadly consistent with the NPPF's objectives (NPPF Paragraphs 192 & 205 refer) and is, therefore, afforded due weight.
- 6.41 'Saved' Policy R10 states "*Along the river Ure navigation from the Ripon canal downstream towards York, existing recreational uses will be safeguarded and new recreational development restricted, except in areas of concentration, as shown on the proposals map, to that connected with quiet informal uses.*

*The development of facilities directly related to the use of the river for recreation will be allowed in areas of concentration on the river Ure and Ouse, as shown on the proposals map, provided that proposals meet the following criteria:*

- A) it is of a scale and nature appropriate to the character of the site and the ability of the local environment to absorb the development.*
- B) it will not seriously conflict with other recreational facilities.*
- C) it will not adversely affect the character and landscape of the river corridor."*

It is considered this is broadly consistent with the NPPF in regards to Paragraph 172, which states great weight should be given to conserving and enhancing landscape and scenic beauty in national parks, the broads and areas of outstanding natural beauty, with conservation and enhancement of wildlife an important consideration.

- 6.42 'Saved' Policy R11 states "*When considering development proposals which affect existing public rights of way, these rights of way and the opportunities they afford for informal recreation should be retained.*

*Developments which would result in harm to the character or recreational and amenity value of existing rights of way and which do not involve the satisfactory diversion of the route will not be permitted*". It is considered this is consistent with the NPPF Paragraph 98, which states policies should protect and enhance public rights of way and capable of being attributed full weight.

Hambleton Local Development Framework - Core Strategy (adopted 2007)

- 6.43 The Core Strategy has particular relevance in the determination of this application and the policies most relevant include:
- Policy CP1 - Sustainable development;
  - Policy CP16 - Protecting and enhancing natural and man-made assets;
  - Policy CP18 - Prudent use of natural resources;
  - Policy CP21 - A safe response to natural and other forces.
- 6.44 Policy CP1, Sustainable Development states that the use and development of land will be assessed against the community's housing, economic and social requirements, protection and enhancement of the natural and built environment and minimisation of energy consumption and the need to travel. Development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted. Policy CP1 goes on to state a range of criteria where proposals will be supported if they promote and encourage or protect and enhance the criteria such as the efficient use of land and infrastructure, including the conversion of scarce resources and reduction of their use, and encouragement to the use of sustainable resources.
- 6.45 It is considered that due weight can be given to Policy CP1 as the NPPF paragraph 170 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 paragraph 109 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.46 Within the Hambleton LDF, Core Strategy Policy CP16 of the Hambleton Local Development Framework relates to protecting and enhancing natural and man-made assets. It states that "*development or other initiatives will be supported where they preserve and enhance the District's natural and manmade assets.*" This policy is consistent with the NPPF's objectives of conserving and enhancing the historic environment, as outlined in Chapter 16 of the Framework which relates to the preservation and enhancing of the historic environment.
- 6.47 Policy CP18 advises that proposals should maximise the recycling of waste materials and minimise the environmental consequences of waste production. The NPPF Paragraphs 7-14 aims to ensure that development is carried out sustainably and that the planning system has an 'environmental role' in ensuring natural resources are utilised prudently. It is, therefore, considered that Policy CP18 is NPPF consistent and should be afforded full weight in the determination of this planning application.
- 6.48 Policy CP21 highlights that planning policies can potentially make a significant contribution to protecting the people and the environment of Hambleton from the consequences of natural or other forces, such as flooding, hazardous activities, pollution or noise.
- 6.49 This policy is considered to be broadly consistent with NPPF objectives of meeting the challenge of flooding (NPPF's Chapter 14 refers) and the NPPF's Paragraph 180 which aims, inter alia, include the avoidance of noise giving rise to significant adverse impacts on health and quality of life as a result of new development and, where this is not possible, the mitigation and reduction to a minimum of noise through conditions having regard to noise-sensitive/tranquil environments such as those "*prized for their recreational and amenity value*". For these reasons, full weight is afforded to this policy in the determination of this application.

Hambleton Development Policies Document (2008)

- 6.50 Within the Hambleton Local Development Framework (adopted April 2007) a Development Policies document (adopted February 2008) has particular relevance in the determination of this application and the policies most relevant include:
- Policy DP1 - Protecting Amenity;
  - Policy DP28 - Conservation;
  - Policy DP29 - Archaeology;
  - Policy DP30 - Protecting the character and appearance of the countryside;
  - Policy DP31 - Protecting natural resources: biodiversity & nature conservation;
  - Policy DP32 - General Design;
  - Policy DP33 - Landscaping.
  - Policy DP43 - Flooding and floodplains; and,
- 6.51 Policy DP1 advises that *“all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight”*. This Policy is consistent with the NPPF’s objectives of a presumption in favour of sustainable development, as outlined in the *“Core Planning Principles”* detailed in paragraph 7-14 of the Framework. It also emphasises the importance of achieving a high quality of design to ensure a good standard of amenity for all existing and future occupants. Therefore, considerable weight should be given to this Policy in the determination of this planning application.
- 6.52 It is considered that full weight can be given to Policy DP1 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.
- 6.53 Development Policy DP28 states that *“conservation of the historic heritage will be ensured by preserving and enhancing Listed Buildings and identifying, protecting and enhancing Conservation Areas”*. This policy is consistent with the NPPF’s objectives of conserving and enhancing the historic environment, as outlined in Chapter 15 of the NPPF which relates to the preservation and conservation of Heritage Assets.
- 6.54 Policy DP29 titled ‘Archaeology’ advises that *“in areas of known or potential archaeological interest, an appropriate assessment and evaluation must be submitted to accompany any development proposals”*. The Policy does not conflict with the provisions of the NPPF (Paragraph 189-190) which encourages field evaluation in areas of archaeological interest.
- 6.55 Policy DP30 titled Protection of the Countryside states that the openness, intrinsic character and quality of the District’s landscape will be respected and where possible enhanced. Throughout the District, the design and location of new development should take account of the landscape character and its surrounding, and not have a detrimental effect on the immediate environment and on any important long distance views. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques such as landscape character analysis to establish the local importance, and the key features that should be protected and enhanced, will be supported. Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features, particularly to landscapes which otherwise lack interest.



- 6.56 It is considered that full weight can be given to Policy DP30 as the NPPF paragraph 170 states that planning should recognise the intrinsic character and beauty of the countryside and support thriving communities within it. Paragraph 170 also states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 6.57 The protection habitats of nature conservation, geological or geomorphological value, together with species that are protected or under threat, is sought by Policy DP31 which supports proposals where they would not give rise to significant harm to such sites as well as lending support to the enhancement and increase in the number of sites and habitats of nature conservation value, and, in particular, those that meet Biodiversity Action Plan objectives. This particular policy is also aligned with the objectives as set down within Section 15 of the NPPF and, therefore, due weight is attributable.
- 6.58 Policy DP32 states that development proposals must respect local character and distinctiveness by enhancing its positive attributes whilst mitigating its negative aspects. Paragraphs 123-127 of the NPPF state *“it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”*. It is therefore considered that policy DP32 does conform to the NPPF and considerable weight should also be given to this policy in the determination of this planning application.
- 6.59 Policy DP33 titled Landscaping states that landscaping of new development must be an integrated part of the overall design, which complements and enhances development. It is considered that the policy is consistent with the provision of the NPPF however the NPPF has more of an emphasis on protecting and enhancing valued landscapes.
- 6.60 Policy DP43 seeks to ensure that risk from flooding is not increased and specifically, seeking to avoid *“adverse effect on watercourses or increase the risk of flooding elsewhere”* as well as mitigating and relieving the risk of flooding of existing development. This policy is considered to be broadly consistent with the NPPF objectives of meeting the challenge of climate change, flooding and coastal change as outlined within Chapter 14 of the NPPF and therefore attributed full weight.

Other policy considerations:

National Planning Policy Framework

- 6.61 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.
- 6.62 Paragraphs 54-57 of the NPPF relate to ‘Planning conditions and obligations’. Paragraph 54 states that *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”*. With regard to planning obligations paragraph 56 states that *“Planning obligations must only be sought where they meet all of the following tests:*  
*a) necessary to make the development acceptable in planning terms;*  
*b) directly related to the development; and*  
*c) fairly and reasonably related in scale and kind to the development”*

- 6.63 Paragraph 102-104 within Section 9 (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.
- 6.64 Paragraphs 124-27 within Chapter 12 (Achieving Well Designed Places) of the NPPF state that local and neighbourhood plans should develop robust and comprehensive policies that set out a clear design vision and expectations of development that will be expected for the area. Such policies should be based on stated objectives and designed with local communities, so they reflect their local aspirations, and are grounded in an understanding and evaluation of each areas defining characteristics. *“Planning policies and decisions should aim to ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visits*
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 6.65 Paragraph 170 within Chapter 15 (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. These include:
- a) “protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
  - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
  - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
  - e) preventing 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. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
  - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

- 6.66 Paragraph 175 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF states *“When determining planning applications, local planning authorities should apply the following principles:*
- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
  - b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
  - c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
  - d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*
- 6.67 Within paragraph 180 of the Framework it is noted that *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
  - b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
  - c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*
- 6.68 Within Chapter 17 it states at paragraph 203 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’.
- 6.69 Furthermore, when determining the application consideration needs to be given to the bullet points in Paragraph 205 of the NPPF relevant to the proposed development, which states that *“When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy). In considering proposals for mineral extraction, minerals planning authorities should:*
- a) *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;*

- b) *ensure 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;*
- c) *ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source<sup>66</sup>, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;*
- d) *not grant planning permission for peat extraction from new or extended sites;*
- e) *provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;*
- f) *consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and*
- g) *recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.”*

6.70 Within Chapter 17 at paragraph 207 it states that ‘*Minerals planning authorities should plan for a steady and adequate supply of aggregates by:*

- *‘preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years’ sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources); participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;*
- *making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;*
- *taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;*
- *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;*
- *maintaining 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<sup>67</sup>;*
- *ensuring that large landbanks bound up in very few sites do not stifle competition; and*
- *calculating and maintaining separate landbanks for any aggregate’.*

National Planning Practice Guidance (PPG) (2014)

6.71 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: -

Minerals:

- 6.72 The PPG provides supplementary guidance on mineral planning and the application process. The PPG in its guidance recognises the supply of minerals presents special characteristics not necessarily relevant to other types of development proposals. For example:
- *'minerals can only be worked where they occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited' by these constraints;*
  - *'mineral working is a temporary activity although the extraction often takes place over a long period of time;*
  - *'mineral working may present both adverse and positive environmental effects, but some adverse impacts can be effectively mitigated; and*
  - *'following working, land should be restored to make it suitable for beneficial after-use'.*
- 6.73 The (Minerals) PPG also gives consideration to the merits of focusing on extensions to existing sites rather than new sites. The PPG states 'the suitability of each proposed site, whether an extension to an existing site or new site, must be considered on its individual merits, taking into account issues such as:
- *'need for the specific mineral;*
  - *'economic considerations (such as being able to continue to extract the resource, retaining jobs, being able to utilise existing and other infrastructure);*
  - *'positive and negative environmental impacts (including the feasibility of a strategic approach to restoration); and*
  - *'the cumulative impact of proposals in an area.'*
- 6.74 The (Minerals) PPG further provides guidance to mineral planning authorities on the need to ensure it has a sufficient land-bank for sand and gravel to meet existing and future increases in demand with reasonable certainty.
- 6.75 The (Mineral) PPG sets out guidance on the level of detail that should be provided on restoration and aftercare that should be provided with the planning application whilst recognising such detail will depend on the circumstances of the individual site and the expected duration of the works but will normally include:
- *'an overall restoration strategy, identifying the proposed after-use of the site';*
  - *Information about soil resources and hydrology, and how the topsoil/subsoil/overburden/ soil making materials are to be handled whilst extraction is taking place'*
  - *'where the land is agricultural land, an assessment of the agricultural land classification grade';*
  - *'a landscape strategy'; and*
  - *'where work is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer term capability, though the proposed after-use need not always be for agriculture'; and*
  - *'restoration may, in some cases, need to be undertaken in phases so as to minimize local disturbance or impacts'.*
- 6.76 The (Minerals) PPG also sets out guidance as to how the mineral planning authority should ensure the delivery of sound restoration and aftercare proposals through the use of suitable planning conditions and/or, where necessary, through planning obligations.

- 6.77 The (Minerals) PPG further recommends that local planning authorities should ‘frame conditions to secure ‘progressive’ or ‘rolling’ restoration and aftercare to minimize the area of land occupied at any one time by mineral working’...’unless doing so would be likely to adversely affect the standard of reclamation achieved’.
- 6.78 The (Minerals) PPG highlights the key criteria to be considered when considering the efficacy of restoration and aftercare conditions and these can be summarised as follows:
- *‘stripping of soils and soil- making materials and either their storage or direct replacement (i.e. ‘restoration’) on another part of the site’;*
  - *‘storage and replacement of overburden;*
  - *Achieving the landscape and landform objectives for the site, including the filling operations if required, following mineral extraction;*
  - *‘restoration, including soil placement, relief of compaction and provision of surface features; and finally,*
  - *‘aftercare’.*
- 6.79 The (Minerals) PPG further provides guidance on assessing the environmental impacts from minerals extraction and the need for the submission of an Environmental Statement where it is considered there may be significant environmental impacts and as means to ensure that the development proposal is suitable in that location and takes account of the effects (including cumulative effects) of pollution on health, the natural environment, general amenity and the sensitivity of the area.
- 6.80 The (Minerals) PPG also provides a check list of principal (but not exhaustive) issues mineral planning authorities should consider and address whilst recognising not all issues will apply at every site or to the same degree including;
- *‘noise associated with operation;*
  - *dust;*
  - *air quality;*
  - *visual impact on the local and wider landscape;*
  - *landscape character;*
  - *archaeological and heritage features;*
  - *traffic;*
  - *risk of contamination to land;*
  - *soil resources;*
  - *geological structure;*
  - *impact on best and most versatile agricultural land;*
  - *flood risk;*
  - *internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks;*
  - *site restoration and aftercare;*
  - *surface and, in some cases, ground water issues; and*
  - *water abstraction’.*

#### Natural Environment:

- 6.81 The PPG underpins one of the NPPF core principles of protecting the character and visual integrity of the natural environment including designated landscapes and the wider countryside in general. Where appropriate the PPG promotes the undertaking of landscape assessments to accompany planning applications to provide an understanding of the character and local distinctiveness of the landscape by identifying the features that give it a sense of place.

- 6.82 The (Natural Environment) PPG also considers the impacts and the opportunities that development proposals may have on biodiversity and their effect and/or beneficial contribution to wildlife and wildlife habitat in the immediate and wider area. The PPG highlights areas where biodiversity maintenance and enhancement have potential to make a significant contribution to biodiversity including:
- *‘habitat restoration, re-creation and expansion;*
  - *improved links between existing sites;*
  - *buffering of existing important sites;*
  - *new biodiversity features within development; and*
  - *securing management for long term enhancement’.*

## **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, landscape and local amenity impacts, ecology (biodiversity, habitats, nature conservation and protected species), restoration, the historic environment, hydrology and flood risk and a review of previous conditions.

### Principle of the development

- 7.2 This planning application made under Section 73 of the Town and Country Planning Act 1990 seeks consent for mineral extraction to continue for a further four years until 31 December 2019 to allow the extraction of the remaining reserves (estimated at approximately 580,000 million tonnes as of 1 July 2015). The applicant confirmed that the permitted reserves were not fully extracted before the expiry of the permission. This was because the forecasted output from the quarry when the planning permission was originally granted exceeded actual output, primarily because of the drop in demand for quarry products during the recent recession. This proposal was to enable the quarry operator to progress sand and gravel extraction, whilst also ensuring the completion of the final restoration scheme for the whole site. Due to the time elapsed since submission of the application in 2015 the remaining reserves have now been extracted. Extraction on the site ceased in May 2018, with restoration earthworks having been completed in October 2018.
- 7.3 The acceptability of the extraction of sand and gravel from the land at Ripon Quarry has been established by the grant of planning permissions C6/500/95B & C2/99/045/0011. It is acknowledged that the proposal constitutes a continued existence of quarrying in this locality over a prolonged period and, with that its continued impact on the area. However, with appropriate mitigation measures in place including those assisting in visually screening the proposed development during its operational phase, the scale of the proposed development is considered acceptable and should be considered against its temporary nature as well as providing a means of assisting with the County Planning Authority’s role in securing an adequate, steady and reliable supply of mineral to market. Therefore the principle of the development has been previously established and it is a highly material planning consideration that the permission for mineral extraction and processing operations at the application site has been implemented.
- 7.4 This planning permission would contribute to sustained resources for growth and secure productive capacity, ensuring continuity of supply from the county and assist in maintaining a sufficient landbank of sand and gravel. This permission would negate the need to build additional plant capacity and associated infrastructure, would constitute an efficient use of mineral resources permitting the recovery of a

known sand and gravel deposit. A further benefit considered to arise would be the safeguarding against the permanent closure of the site and sterilisation of mineral reserves known to exist within the area of the proposed extension. In addition to these seven 'saved' NYMLP Policy 4/1 criteria relevant to landscape and visual impact considerations, 'saved' NYMLP Policy 4/14 (safeguarding against unacceptable impacts upon the environment and local amenity), 'saved' NYMLP Policy 4/16 (seeking to ensure that minerals processing plants are sited and designed so as to ensure that any impacts that may arise in respect of those upon the environment or the amenity of the local community are kept to a minimum). Therefore, Members are advised that it would be inappropriate to revisit the principle of the entire development or the acceptability of the locational aspects of the quarry. It is considered that the principle of extending the time to complete extraction on a minerals site is a common requirement due to the unpredictability of the market.

- 7.5 The draft Draft policy M07 (Meeting concreting sand and gravel requirements) of the MWJP states that requirements for concreting sand and gravel will be met through existing permissions and the grant of permission on sites and areas identified in the Joint Plan for working. The 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 of time was to avoid the sterilisation of mineral reserves and make use of existing infrastructure in place at the quarry before it is removed and the land fully restored. The proposed extension of time would avoid causing a negative impact on local employment and a negative impact on the supply of sand and gravel from a site with a long history as a quarry.
- 7.6 The NPPF (paragraph 203), recognises that "*minerals are essential to support sustainable economic growth and our quality of life*" and in paragraph 207 encourages MPA's to plan to maintain a seven year landbank for sand and gravel. Reasoned argument has been put forward which points to the proposals having the ability to sustain a continuity of an adequate and reliable supply of sand and gravel to the local construction market (thereby rendering it compliant with 'saved' NYMLP Policy 5/1) without the need for increased pressure being placed upon other existing sand and gravel sites in the county. The application is therefore in compliance with other policies of the draft MWJP including Policy M01, Broad geographical approach to supply of aggregates; Policy M02, Provision of sand and gravel; Policy M03, Overall distribution of sand and gravel provision; Policy M04, Landbanks for sand and gravel and Policy D01, Presumption in favour of sustainable minerals and waste development. This is also in compliance with 'saved' Policy 3/2, Preferred Areas and 'saved' Policy 5/1, Sand and Gravel Landbanks of the NYMLP.
- 7.7 Landbanks are an important aspect of Government policy to ensure continuity of supply of minerals and support economic growth and provision of infrastructure. The contribution of the continuation of quarrying at Ripon Quarry would make towards a sufficient supply of sand and gravel and also employment in the region is consistent with national planning policy contained within the NPPF (paragraphs 203, 205 & 207) which advise MPAs to "*give great weight to the benefits of mineral extraction, including to the economy*", this is also consistent with PPG for Minerals. It is also in compliance with policy CP1 and CP18 Hambleton Core Strategy due to the promotion of sustainable growth.
- 7.8 A representation in regards to the application objects due to the impact of quarrying and dewatering on the historic environment, its cultural heritage and character. It is though considered that the principle of the proposal has already established in previous applications on the site and the further working, on balance, would not significantly impact the area. The proposals impact on the historic environment will be



considered in more detail later in this report. It is though considered the application would benefit the local area, with the proposal being consistent with the NPPF paragraph 11 because of the benefits of the application. Nevertheless any potential adverse impacts on the environment and amenity arising from the continuation of mineral extraction need to be considered in detail and the main considerations are addressed in the subsequent sections of this report.

#### Landscape and Visual Impacts

- 7.9 The predominant landscape character is agricultural and the surrounding landscape is primarily characterised by a mixture of open arable fields within a rolling landscape, punctuated by various woods and copses. Key landscape opportunities and constraints to landscape enhancement have been defined and have been acknowledged as limited due to the relatively remote rural location, low visibility and presence of mature vegetation along perimeter boundaries. The applicant company's submitted LVIA has explained that Ripon Quarry for the most part, is enclosed by large blocks of mature woodland, dividing the landscape along with the undulating landform within which it sits, rendering views both 'in to' and 'out of' the area obscured to varying degrees. In acknowledging the landscape to be of 'medium' landscape sensitivity and taking into account the enclosed situation of the quarry afforded by mature perimeter vegetation the LVIA has deemed the overall impact during mineral working operations to be a 'negligible adverse' impact. This is further supported by the temporary nature of the proposed development as well as the site's potential contribution to the restoration of the former historic landscape of the 1600s. Any cumulative impacts are not thought to be adverse or materially significant as the exhaustion of the permitted reserves within the existing consented area were completed before the start of the new permitted extraction area granted through planning permission ref. C6/500/95/D/CMA, dated 22 January 2018. Therefore concurrent operational mineral working is not anticipated in this particular instance. Furthermore, the applicant company has proposed that the site would continue to be worked in a progressive manner so as to minimise overall disturbance and allow for restoration and habitat creation at the earliest opportunity.
- 7.10 The LVIA has acknowledged the Norton Conyers Grade II\* early medieval house and 'Listed' Registered Park and Garden to possess 'high visual sensitivity' and the properties of Manor Farm Cottages, East Tanfield Farm House, Bellflask House, Rushwood Lodge, Badger Bank, Norton Mills Farm, North Parks, Properties on eastern edge of North Stainley (Barton Way) and the Ripon Rowel Walk Public Right of Way to also have 'high sensitivity'. Of 'medium sensitivity' are the bridleway of Bridleway from East Tanfield to Howgrave. With the exception of Rushwood Lodge having been assessed as 'Slight Adverse' visual impacts during the proposed mineral operations the visual impact is considered to be insignificant. The slight visual impact on Rushwood Lodge is due to the vegetation removal works which were carried out by the owner of the property. As with the landscape impacts the LVIA considers effects will be "Negligible Adverse" and it has been considered that the extended period of time for extraction would have a minor effect on the character and landscape of the area. With many of the impacts associated with the proposed development are those that are either temporary, reversible or both.
- 7.11 With respect to the mitigation of the effects of the proposed development they should in the first instance, seek to avoid any significant impacts, but where this is not possible, should aim to reduce the magnitude and significance of any negative impacts. There are no findings, having publicised, consulted upon and assessed the application upon which to counter the conclusions of the LVIA that has concluded that increasingly over time the visual impacts would be enhanced and it is likely that the landscape would evolve as the areas of mature and previously established woodland on the already restored areas merge with the developing restored woodland. The on-going mineral extraction operations within the quarry are screened from viewpoints

from outside of the quarry. It is also considered that the proposal would have a negligible impact in terms of visual amenity above and beyond that which has previously been assessed and consented. Therefore it is deemed there would be no material change to the appearance or visual impact of the site compared to the previously approved application and no further mitigation would be required to negate further effects from the four year extension of time. Throughout the period of the original permission C6/500/95B & C2/99/045/001 the impact of the quarry has been successfully controlled through the use of conditions and is considered would be continued to do so through this application. Consequently it is considered acceptable in land-use planning terms as there is the appropriate level of control through the imposition of planning conditions, as any still relevant planning conditions are to be carried forward to be included on this permission.

- 7.12 This is supported by the National Planning Policy Framework (2019) paragraphs 117, 118 and 124-127, 170, 175, 178, 180 and PPG for the natural environment as the landscape and visual effects arising from the proposed development are considered to be capable of being adequately mitigated by the measures proposed by the applicant. Furthermore, due to the separation distance from the nearest visual receptors, it is not considered that it would result in an unacceptable visual impact. It is considered that the development would not have an unacceptable impact on the visual amenity of the area. Therefore is in compliance 'saved' Policies 4/1, 4/6a and 4/14 of the North Yorkshire Minerals Local Plan (1997). The proposal would also be in compliance with policy D02 Local amenity and cumulative impacts, D06 Landscape, D07 Biodiversity and geodiversity and D11 Sustainable design, construction and operation of development. The proposal is in compliance with Harrogate Core Strategy Policy EQ2 and Harrogate 'saved' local policies C2, Landscape Character, NC3, Local wildlife sites and NC4, Semi-natural habitats.
- 7.13 The previously approved landscaping and restoration scheme remains the most appropriate method of achieving an improved standard of landscape for the site. It aimed to limit the effect of operations upon the character and visual appearance of the local landscape and surrounding area. The Restoration Masterplan (Appendix G) shows the updated scheme which includes a further area of nature conservation. This application states the updated restoration scheme provides a balance between the ecological considerations and what is economically sustainable into the future. This includes further planting of cricket bat willow on the east of the site around Norton Mills Lake, which would not have a negative effect on any residential properties including Norton Mills to the east of the application site. Further reed beds in the centre of the site in the Pit lake area would also not have any detrimental impact on residential amenity and are an acceptable form of restoration. Lastly the Manor Farm Lake area in the northern part of the site previously included 9 hectares of agricultural land however now is to be split into 6.4 hectares of agricultural land and 2.7 hectares of nature conservation, this is due to how the land has developed over time. The nearest residential property to this area is Rushwood Lodge north of the site and it is considered that the amendments to the restoration scheme are minor and would have no significant impact on the views into the site from this property, for the reasons previously stated in the report and LVIA.
- 7.14 It is considered a relevant local policy in regards to the amended restoration scheme is 'saved' NYMLP Policy 4/1, in particular, criterion (d) which seeks to ensure that the landscaping and screening of proposed development have been designed so as to effectively mitigate the effects of a proposed development, criterion (e) which directs that applications must be assessed for their environmental and amenity safeguards to effectively mitigate against the impacts of a proposed development, criterion (f) which seeks acceptable restoration proposals of a 'high standard', criterion (g) which seeks a similarly 'high standard' in respect of after-care and management and criterion (i) which seeks to ensure that the cumulative impacts of development proposals are

taken into account and assessed as being acceptable. It is considered that these amended proposals are in compliance with 'saved' policy 4/1 of the NYMLP due to being not significantly altering the restoration of the site or negatively impacting upon the landscape of the surrounding area. As the proposal would in the long term increase biodiversity on the site and further mitigating the impact of the proposal.

- 7.15 In addition other relevant policies include 'saved' NYMLP Policy 4/14 (safeguarding against unacceptable impacts upon the environment and local amenity), 'saved' NYMLP Policy 4/16 (seeking to ensure that minerals processing plants are sited and designed so as to ensure that any impacts that may arise in respect of those upon the environment or the amenity of the local community are kept to a minimum), 'saved' NYMLP Policy 4/18 (seeking the achievement of the best practicable standard of restoration whilst safeguarding against the loss of BMV quality land) and 'saved' NYMLP Policy 4/20 (seeking to bring the restored land up to an approved standard for the specified after-use). This proposal is in compliance with these policies, as although it includes the loss of some agricultural land, the benefit of the nature conservation area mitigates this loss and is considered an acceptable form of restoration. The amendments are also consistent with the NPPF paragraph 54-57, 102-104, 124-127 and PPG for the Natural Environment. Therefore the proposed amendments to the restoration of site are still considered to be appropriate and would not have a significant impact upon the landscape character of the site.
- 7.16 While acknowledging the expressed concerns within representations, the relevant experts have returned their views noting that the proposed development in question does not affect any protected local or nationally designated landscape. Furthermore stating an adequate landscape context for the proposed changes has been provided and that no significant cumulative impacts with other sites remain to be addressed. Further to this the relevant experts stated that there were no major concerns nor would wide visual impact arise and therefore the restoration proposals were acceptable in principle. Therefore the proposal is deemed in compliance with draft MWJP Policy D02 in regards to Local amenity and cumulative impacts, Policy D06 in regards to Landscape and Policy D12 in regards to the protection of agricultural land and soils. It is also considered that the extraction works completed in the period since this application was submitted in 2015 were in compliance with the development plan and would not have caused significant impacts on local amenity. Further to this no objections or complaints regarding the site and its operations have been received since the 3 February 2016.
- 7.17 The safeguards from the original application and the separation distance of the proposed development from those living nearby mitigate the impact in respect of both landscape and visual impacts. Therefore the magnitude, extent, duration, reversibility, timing and frequency of works are in compliance with, criterion (b), (c), (d), (e), (f), (g) and (i) of 'saved' NYMLP Policy 4/1, 'saved' policies of the NYMLP 4/14, 4/15, 4/16 and 4/20 together with of Harrogate's Core Strategy policies SG4, EQ1 & EQ2 and Harrogate's 'saved' Local Plan policies C2, HD7A, R10, R11 and HD20 as well as the Hambleton District Council's Core Strategy's CP1, CP16, CP18 policies and its associated development policies DP1, DP28, DP29, DP30, DP32, DP33 (only insofar as the area of land within the district affected by the development) and DP43 have been satisfied in this particular instance. Therefore it is considered that there is no significant landscape or visual effects in regards to this application for a further four years.

### Local Amenity – Noise, Dust and Lighting

- 7.18 The relevant 'development plan' policies against which to assess the proposed development's effects arising from activities that may generate noise and dust have been outlined within Section 6.0 of this report, but principally include criterion (c), criterion (e) and criterion (i) of 'saved' NYMLP Policy 4/1; the first seeking proposals that can demonstrate that the impacts of a proposed development can be minimised through both the method and the programming of works; the second requiring developments to ensure environmental and amenity safeguards and the third safeguarding against cumulative impacts. This is reiterated in 'saved' NYMLP Policy 4/14, again, ensuring proposals do not give rise to unacceptable environmental impacts and 'saved' NYMLP Policy 4/16, which seeks processing plant siting, design and maintenance to minimise the impact on the environment and local amenity, is also engaged in this instance. While not specifically directed toward mineral-related development proposals, Hambleton District Council's Core Strategy Policy CP1 (particularly criteria (iii) and (v)) (seeking to protect health and well-being and the natural environment) and Policy CP21 (particularly criterion (ii) which seeks measures to mitigate against the effects of noise) and development policies DP1 (which seeks to preserve amenity) and DP44 (which seeks to direct noise-generating activities away from noise-sensitive locations) also share a similar aim. Harrogate Borough Council's Core Strategy Policy EQ1 is also relevant insofar as addressing risks to the environment such as pollution.
- 7.19 Upon review of the applicant company's environmental impact assessment with specific regard to noise and dust impacts and taking into account the responses to consultation as well as the representations made during the course of processing the application, these impacts are considered to be limited in their effects, both in terms of severity and duration, arising as a result of noise and dust generating activities associated with the proposed development, which has now been completed and the continued requirement of the processing plant and site access. The proposed mitigation measures within the submissions made by the applicant company have been considered. It is recognised that these would adequately mitigate against any significant adverse effects arising from the proposed development in terms of noise and air quality, particularly, dust.
- 7.20 Although the potential for adverse effects through noise and dust are recognised as an understandable and likely concern to the local community, these effects are considered to be capable of being adequately mitigated by the measures proposed by the applicant company and are considered capable of being acceptable in land-use planning terms should appropriate levels of control through the imposition of planning conditions be deemed sufficient. Suitably worded planning conditions could be attached to a permission that would ensure working operations are performed within acceptable thresholds and these are conveyed in the recommendation within this report for consideration. In addition, another measure, the formation of a new Community Liaison Group, would facilitate the resolution of complaints. This group meets twice a year where complaints such as those made in objection to this application can be discussed and resolved by the applicant company.
- 7.21 The expert views of both the Hambleton District and the Harrogate Borough Council's Environmental Health Officers have been sought on behalf of the County Planning Authority and their independent and impartial opinions have returned no objection to the proposed development. In light of this, it would be wholly appropriate and reasonable to give consideration to imposition of conditions to control noise and dust emissions from the processing plant, which would have continued permission through this application until 31<sup>st</sup> December 2030. Such conditions could include noise level limitations for specific operations as well as the regular monitoring of noise and submission of reports to demonstrate compliance. In light of this, it would be wholly

appropriate and reasonable to give consideration to imposition of conditions to control dust emissions, which would include the temporary cessation of operations during periods of high winds and compliance with the submitted Dust Management Action Plan. It is considered that the conditions mitigating the impact in regards to noise should where possible match the extant permission (C6/500/95/D/CMA) for the Pennycroft extension of the Ripon Quarry site.

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

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

- 7.23 The County Council's own in-house advisers on matters of ecology have been consulted along with the Environment Agency and Natural England. Discretionary consultations have also been undertaken with the Yorkshire Wildlife Trust and with the Committee of the High Batts Nature Reserve. The assessment of the impacts of the proposed development upon interests of nature conservation value has found the absence of any significant adverse material degree during the operational phase of the development.
- 7.24 With respect to the application site itself, the assessment has acknowledged its low nature conservation value in that it is, for the most part, set to arable land; although the perimeter of the proposed site, adjoining fields, hedgerows and woodlands and the adjacent *Ripon Parks SSSI, Norton Mills, The Jetty and Little Mill Bank SINC* and *High Batts Nature Reserve*, have been recognised as undoubtedly both of ecological value and of value in providing habitat for numerous species. The Ripon Parks SSSI comprises a range of habitats associated with the River Ure and adjoining land. These include running water, riverbanks, scrub woodland, marsh and ponds, permanent pasture and calcareous grassland. The area is notified on the basis of its flora and amphibian and invertebrate fauna. The area of the SSSI known as the *High Batts* is a private nature reserve managed by the *High Batts Nature Reserve Committee*. There is a need to adopt a precautionary approach to any potential impact on the Batts, the controls and safeguards that were agreed in principle in regards to the original application as still considered appropriate. In the absence of any objection from Natural England, who are the statutory body concerned with the protection of SSSIs, it is not considered that any objections to this aspect of the development could be substantiated by the County Planning Authority.
- 7.25 At the local level of designated sites, there are three Site of Importance for Nature Conservation (SINCs), the first being Norton Mills, which the application site lies within. The second is The Jetty (SINC), located south of the application site following the course of the river and the final is The Little Mill Bank (SINC) north of the application site between the site and Rushwood Lodge. The ecological impact assessment does not point to there being any unacceptable effect on the intrinsic interest of the SINC's. In responding to consultation, no objection was returned by Harrogate Borough Council on the specific issue of the potential for any adverse impact upon SINCs in their area, nor was any objection returned from the County

Planning Authority's adviser on ecological and biodiversity matters, the County Council's Principal Ecologist. Further to this the applicants ecological survey states the continued quarrying and de-watering would not impact the SINC's with the Norton Mills being in area of the quarry which is now restored and the Jetty being shown previously that its water levels are independent of the ground water level affected by de-watering. There is also no impact on the Little Mill Bank which is considered part of the High Batts which this proposal is considered to have no significant negative impact upon. Therefore it is considered that there would be no significant impacts on the SINC's within the local area.

- 7.26 Mitigation and safeguards from the original application have been implemented and are stated to be continued to be controlled through this application, including the separation distances from interests of nature conservation value. The mitigation proposals seek to avoid any significant impacts; however, where this is not possible mitigation should aim to reduce the magnitude and significance of any negative impacts. The Nature Conservation Advisory Group which has been established between the operator, local parish councils, the High Batts and other conservation groups is now a successful further safeguard to this area. In addition to this the statutory five-year 'aftercare' period and additional 21 year further mitigation is secured through the existing S106 agreement. This S106 would require to be varied due to the amendments to the amendments in the restoration in this application, this would include updating the management plan and site plan to include changes to the restoration of the site. This would seek to ensure that the restored land would be re-established and achieve the 'required standard'. Therefore the proposed development is not considered to conflict with the relevant policies to which reference has been made above. A further ecological response was received on 23 July 2019 stating no concerns regarding the application and are in agreement with the revised restoration scheme. The ecological response also states it is happy with the updated S106 plan and confirms the Manor Farm wetland area has been included and is satisfied that the area would be include within the 5 year management plan and covered by the 21 year extended aftercare period.
- 7.27 The Conservation of Habitats and Species Regulations (2017) requires an Appropriate Assessment to take into account the potential effects of the plan, its significant effects and conservation objectives. This is required to be completed by a qualified ecologist before the issue of any decision in regards to this site due to the regulations. Although the Appropriate assessment has yet to be completed paragraphs 7.17-7.20 of this report consider the impact on the local habitats. The draft main modifications of the Mineral and Waste Joint Plan in regards to this site states although it is not within a Special Area of Conservation (SAC) it is considered there could be some impact on the Lamprey as an Annex ii species of the Humber Estuary SAC. Further to this an ecology response was received on 27 August in relation to the Conservation of Habitats and Species Regulations (2017) stating the proposed development would not be expected have any impacts on the population of River Lampreys which use the river Ure for spawning and larval development. Therefore it is considered there would be no significant impact on the Special Area of Conservation (SAC). It is recommended that members consider this proposal in its current form subject to the prior completion of an Appropriate Assessment Screening.
- 7.28 Due regard must be had to the relevant extant policies of the Development Plan against which to assess the proposed development in respect of its impacts upon interests of ecological importance and the value of habitats. In this instance it is considered the amended restoration scheme is in compliance with the 'saved' NYMLP Policies 4/1 and assess the proposed development in respect of its impacts upon interests of ecological importance and the value of habitats. This includes criteria (c) (seeking appropriate working method and programme to minimise a proposal's impacts), (d) (seeking effective mitigation through the design of

landscaping and screening), (e) (seeking effective mitigation through environmental and amenity safeguards), (f) and (g) (seeking acceptable restoration and 'after-care' proposals of a 'high standard') and (i) (safeguarding against cumulative impacts). Other NYMLP relevant policies it is considered this development is in compliance with include 4/6A (seeking the protection of sites with a nature conservation interest), 4/14 (safeguarding against unacceptable impacts upon the environment and local amenity), 4/16 (seeking the siting, design and maintenance of ancillary development so as to minimise the impact on the environment and local amenity), 4/18 (seeking the achievement of the best practicable standard of restoration whilst safeguarding against the loss of BMV quality land) and 4/20 (seeking to bring the restored land up to an approved standard for the specified after-use).

- 7.29 The policies of the Hambleton District Core Strategy CP1 (particularly criteria (v) and (ix) (seeking to protect and enhance biodiversity as well as the character and quality of local landscapes and the wider countryside), CP16 (seeking to support the protection and enhancement of natural assets as well as biodiversity), CP18 (advocating the prudent use of natural resources) and CP21 (a safe response to natural and other forces) together with the HDC development policies of DP31 & DP32 (encouraging, amongst other things, habitat protection and enhancement) (insofar as the proposed development could potentially affect land within the relevant administrative area covered by these policy documents) and those 'saved' policies within the Harrogate District Local Plan, NC3 and NC4, only insofar as the limited weight that may be applied to such policies (as referred within Section 6.0 above) together with its Core Strategy Policy, EQ2, which recognises areas of national importance for the protection and enhancement of, amongst others, the District's biodiversity.
- 7.30 Subject to the Appropriate Assessment being completed as required through the Conservation of Habitats and Species Regulations (2017) and this screening not confirming any further issues it is considered this proposal is acceptable in terms of ecological impact. This is due to the agent having satisfactorily demonstrated that the amended restoration proposals would not conflict with Policy 4/6 of the 'Saved' Mineral Local Plan or Policy D07 Biodiversity and geodiversity of the draft MWJP. This is also consistent with national policy in regards to NPPF paragraphs 170, 175 and 180. A representation from a member of the public in regards to the application states this proposal would have a negative impact on biodiversity. It is though considered that the proposal could increase the biodiversity of the site and in working with the Nature Conservation Advisory Group the biodiversity would be further protected. A further representation states there is not any opportunity within the restoration of the site for leisure and learning, however it is considered that the High Batts Nature Reserve could give opportunity for learning within the site. Therefore it is considered the proposal is acceptable in terms of the ecological, biodiversity and nature conservation impacts.

#### Restoration

- 7.31 The principle of the sites restoration was agreed in the original permission. This application proposes minor changes to the approved restoration scheme, these amendments do not significantly alter the restoration and are due to how the site has been worked. A decision on this application is essential to ensure sufficient control over the restoration and aftercare of the site. The amended restoration proposals contain a substantial nature conservation element, including an additional 10 ha of reed bed, plus fringing wet grassland, scrub and woodland habitats. Additionally approximately 9.5 hectares of woodland would be planted and about 9 hectares of wet grassland and scrub would be created. The increases of these conservation habitats mean a minor loss of agricultural land compared with the previously approved permission and it is considered that, in the longer term the proposal would generate a significant positive contribution to the nature conservation interest and

biodiversity of the area. Due to continued working at Ripon quarry through extant permission (C6/500/95/D/CMA) which expires on 31 December 2030, the plant site and access road are still required and due to this their restoration would be delayed until the expiry of permission C6/500/95/D/CMA.

- 7.32 It is acknowledged that, as with all sectors of the economy, the minerals industry has been, and will undoubtedly continue to be, affected by the 'peaks' and 'troughs' in demand for its products dependent upon the position within the economic cycle both locally and further afield. As a consequence, accurate prediction of timescales as to the cessation of mineral working and completion of restoration of sites can be difficult to achieve. While the concerns of those living within the vicinity of mineral operations are understandable and are recognised, this must be 'balanced' against the need for a continued, steady and adequate supply of mineral to market. To prematurely cease and restore a site ahead of exhausting an available commercial reserve would be unsustainable.
- 7.33 Public representations point to a preference for agricultural restoration, it is considered the removal of mineral from the ground and consequential impact upon the 'materials balance' of the site renders a wholly agricultural restoration unachievable without the importation of materials 'alien' to the site. This would also involve the environmental consequences of additional haulage, prolonged duration of operations and air quality impacts of tipping through increased dust generated by the disturbance. The transfer of materials would more likely be the only materials acceptable i.e. soils and inert waste (the prospect of which would be contrary to planning policy in any instance). As a consequence, the most reliable restoration option would be to make use of the site's own available resources and return the land to a combination of uses. Further to this other representations in regards to this application also state the impact of de-watering on the area, its water levels and the historic environment. It is though considered that the principle of de-watering has already been established on the site and no statutory consultee has stated further concerns surrounding this issue.
- 7.34 Restoration earthworks on site were completed in October 2018 with extraction having ceased in May 2018. The statutory five-year 'after-care' period would ensure that the agricultural quality of the restored land would be re-established and achieve the 'required standard'. The applicant has agreed in principle to manage the nature conservation areas for a period of 21 years from completion of restoration, on top of the statutory aftercare period. This was part of the original S106 agreement for the site, however a variation to the S106 agreement would be required due to this application to include amendments of the plans to include the amended restoration of the site. In regards to managing the site the Nature Conservation Advisory Group, has been established in respect of the existing site and would be retained to provide external advice to the developer and landowner aiding the aftercare of the site.
- 7.35 The proposed restoration plan includes the restoration of the current plant site and access, however due to its continued use through the extant Pennycrofts quarry extension permission (C6/500/95/D/CMA) the plant site and access road would not be restored until the completion of this further area of extraction. This permission (C6/500/95/D/CMA) expires on 31 December 2030 and it is considered appropriate for the conditions from the approved extension application (C6/500/95/D/CMA) be replicated on this variation of condition application. It is considered that the retention of the plant and access and delay in the restoration is acceptable as it negates the need to build additional plant capacity and associated infrastructure and would constitute an efficient use of mineral resources permitting the recovery of a known sand and gravel deposit. Furthermore it has previously been considered in this committee report that the retention of the plant site until 31 December 2030 would not have a significant impact on the Landscape and the amenity of the area and further in



the report from paragraph 7.9-7.22 and are considered in terms of highways in paragraph 7.47-7.49. The plant site and access road were also considered acceptable in the report for the further extension to the quarry (C6/500/95/D/CMA) issued 21 January 2018. Therefore the delay in the restoration of this small section of the site is judged to be able to be controlled through conditions limiting the time and requiring restoration, along with controls on its working to mitigate its impacts.

- 7.36 Therefore, in the absence of unacceptable and/or adverse cumulative effects specifically upon agriculture of material significance in light of their effects in terms of magnitude, extent, duration, reversibility, timing and frequency, criteria (c), (e), (f), (g) & (i) of 'Saved' NYMLP Policy 4/1, Policy 4/10, 4/18 and 4/20, the proposal is considered acceptable. The Hambleton's Core Strategy policies CP1 and CP18 have, for the most part, been satisfied in this particular instance; albeit acknowledging that a degree of conflict exists in the circumstance of the permanent and irreversible loss of agricultural land. This is also not in conflict with NPPF paragraphs 203 and 205 in terms of restoration of the site.

#### The Historic Environment

- 7.37 The relevant 'development plan' policy context is considered to comprise criterion (c) (appropriate working method and programme) and criterion (e) (seeking effective mitigation through environmental and amenity safeguards) and criterion (i) (safeguarding against cumulative impacts) of 'saved' NYMLP Policy 4/1, Hambleton Core Strategy policies CP1 (particular criterion (xi)), CP16 (seeking to support the protection and enhancement of man-made assets) and CP17 (seeking to enhance and respect local landscape context in relation to the historic landscape), and policies DP2 (seeking developer contributions), both DP28 & DP29 (seeking the conservation of heritage assets through preservation etc.), DP30 and DP33 of the Hambleton Development Policies DPD. While these policies contain landscape-related policies, they are also considered relevant in the context of potential effects on the setting of cultural heritage assets. With specific respect to the registered Park and Garden of Norton Conyers, 'saved' Policy HD7A of the Harrogate Local Plan is engaged in this instance stating development "*will not be permitted where it would adversely affect the character or setting of parks and gardens*".
- 7.38 It is considered that the key impacts which need to be addressed are impacts from the proposed mineral working resulting from changes brought about in the local landscape and therefore potential impacts upon their respective 'settings', as well as the extent, duration, reversibility, timing and frequency of the effects of the proposed development. In assessing the proposed development in terms of its land use acceptability, the temporary nature of the proposed development is a factor to be weighed in '*the planning balance*'; as is the nature of the proposed restoration upon the cessation of mineral working i.e. restoration to wet woodland and open water together with any measures proposed to be implemented to mitigate against any impacts. During the period of time proposed for the working of the mineral itself, the expert analysis undertaken as part of the assessment of significant environmental effects found there to be only a 'negligible' degree of impact upon the setting of the acknowledged historic asset, Norton Conyers. This is due to the level of change anticipated to be witnessed in views, both 'to' and 'from' the site; whilst acknowledging that mineral working can detract from the local landscape. However, following the cessation of mineral working the conclusion drawn has been one that the proposal would not affect the setting of the Norton Conyers House Grade II\* Listed Building and the Norton Conyers Grade II registered Park and Garden according to the LVIA (2015).
- 7.39 Taking the expert views of consultees into account, while acknowledging the existence of some localised effects, the archaeological and heritage impacts are capable of being mitigated, are limited in their scale and duration and, in certain

instances, are reversible. On balance, taking into consideration the responses to consultation from experts within the national and local agencies, the information as submitted by the applicant is considered to be both adequate and sufficient upon which to determine the planning application whilst having regard to the statutory obligations placed upon the County Planning Authority. In respect of interests or archaeological importance and heritage value, due regard has also been had to statutory duties of conservation, preservation and enhancement of heritage assets under the provisions of the Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Ancient Monuments and Archaeological Areas Act 1979 together with the policy and guidance set down within the NPPF and NPPG respectively.

- 7.40 There are no findings, having publicised, consulted upon and assessed the application that would serve to counter the conclusions of both the *Cultural Heritage Assessment* and, therefore, taking into consideration the absence of significant material adverse impacts upon interests of archaeological importance and heritage value and that any acknowledged impacts would be of limited local consequence provided that measures in mitigation are implemented, weighed in the '*planning balance*', the proposed development is considered to be, overall, without significant conflict with '*development plan*' policy to such a degree as to argue a contravention of planning policy and more specifically, criteria (c), (e) and (i) of '*saved*' NYMLP Policy 4/1, Harrogate Local Plan '*saved*' Policy HD7A, as well as Hambleton Core Strategy policies CP1 (particular criterion (xi)), CP16 and CP17 and policies DP2, DP28, DP29, DP30 and DP33 of its Development Policies DPD.

#### Hydrology and Flood Risk

- 7.41 The principle of de-watering on the site has been previously established and this application would grant permission for this to be continued. The assessment of the likely significant effects of the proposed development upon the water environment, including any potential adverse impacts upon both ground and surface waters, is included with Section 7 of the applicant company's submitted Environmental Statement. The assessment confirmed that the sand and gravel that has been extracted is, for the most part, situated beneath the water-table and therefore de-watering is proposed to be undertaken to allow dry working of the mineral. Furthermore, in acknowledging the national significance, geographically, of ecological designations, the effects of the proposed development have been the subject of an '*Assessment of effects upon the Ripon Parks SSSI*'. In assessing the impacts of the proposed continuation of development upon the site, with particular regard to the High Batts Nature Reserve, the consultants have concluded that the restoration proposals comprising a series of lakes would serve to "*enhance the capacity of the site to support wildlife and provide recreational activities*".
- 7.42 Whilst the control of the water table through dewatering would result in the lowering of the water table in the vicinity of the quarry void, it is nevertheless a continuation of the practice employed to date which has occurred without any issues being raised by relevant authorities giving cause for concern of significant detrimental impacts upon the water environment. Furthermore, given its employment for a temporary duration in relative terms and reversibility, the dewatering itself is not expected to present long-term significant irreversible adverse impacts upon material interests relating to hydrogeology and experts have concluded that groundwater levels would be likely to recover close to their levels prior to those that previously existed prior to the proposed development. With potential impacts to nearby abstractions, surface water bodies, surface and groundwater quality, and nearby sensitive sites having been considered no risks to sensitive habitats were identified and the assessment is unlikely to result in a significant impact on the environment during extraction or restoration. It is considered that the existing water management plan and mitigation measures would be sufficient to control the four further years of extraction on the site.

- 7.43 Measures put forward by the applicant company in mitigation would include, an environmental management regime that would minimise any risk of pollution; appropriate ‘stand-off’/‘buffer’ distances from interests of material importance such as, by way of example, the adjacent Ripon Parks SSSI; the pumping of dewatering discharge water either direct to the river or to on-site lagoons where settlement would occur prior to discharge and then the subsequent regulated discharge of water from the settlement lagoon to compensate for reduction in the groundwater base flow as well as the implementation of the submitted *Groundwater & Surface Water Monitoring Scheme*. The national planning policy on flood risk is set out in the NPPF. It is a requirement that flood risk assessments are provided with applications for sites in areas of higher flood risk as identified on the Environment Agency’s maps. Paragraph 100 within Section 10 of the NPPF requires that a sequential approach is applied to direct the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk.
- 7.44 Relevant extant planning policies against which to assess the proposed development in respect of its impacts upon both hydrology and hydrogeology include ‘saved’ NYMLP Policy 4/1, in particular, criterion (b) requiring the siting and scale of the proposed development to be acceptable, criterion (c) requiring appropriate working method and programme to minimise the proposal’s impacts, criterion (e) (seeking effective mitigation through environmental and amenity safeguards) and criterion (i) which seeks to ensure that the cumulative impacts of development proposals are taken into account and assessed as being acceptable. In addition, ‘saved’ NYMLP Policy 4/10 is directly engaged in that it seeks only to support proposals “*where they would not have an unacceptable impact on surface or groundwater resources*” and ‘saved’ NYMLP Policy 4/14 similarly ensuring against unacceptable impacts upon the environment in general.
- 7.45 With regards to other policies that form part of the *development plan*, albeit not specifically with minerals-related development as their focus, include criterion (vi) of Policy CP1 of Hambleton District’s Core Strategy that requires consideration of the natural drainage and surface water, CP16 seeking, *inter alia*, to preserve and enhance the area’s natural assets and CP21 (particularly criterion (i)) seeking to ensure that communities and other assets are not adversely affected by the actions of natural or other forces (such as flooding). A further development policy of Hambleton District Council is that of DP43 which directs that “*proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere*”. A relevant policy within the Harrogate District Core Strategy (again, albeit not specifically with minerals-related development as its focus) is that of EQ1 which requires proposals, amongst other matters, to plan for, design, construct and operate development with climate change (e.g. flooding) and risk to the environment (e.g. pollution) in mind.
- 7.46 Furthermore, the submissions made by the applicant company have all been scrutinised by the relevant experts with their jurisdictional fields including those Officers of the Lead Local Flood Authority, the Environment Agency, Natural England, the District Council and Yorkshire Water Services Limited. The consultation responses received by the County Planning Authority are the views expressed by experts in their respective fields and have returned their independent and impartial opinions insofar as their individual areas of expertise. Those consulted have accepted the findings of the applicant’s experts and are satisfied that the mitigation of the effects of the development with regard to the potential impacts upon hydrology as well as safeguarding against flood risk are both appropriate and proportionate and that, no objections have been returned by those from whom the County Planning Authority has sought impartial and independent expert views and, as a consequence, notwithstanding the matters raised by those in making representations, no reasonable

ground is considered to exist upon which to refuse to grant planning permission specifically upon this material consideration alone.

#### Highways

- 7.47 The submission has been scrutinised by the relevant experts within the Highway Authority and while conditions have been recommended to be imposed to safeguard the interest of highway safety, no objection to the proposed development has been returned on the basis of the highway and traffic impacts which are acknowledged to be limited in their extent. Due to the retention of the plant site and the access road in relation to use for the extant Pennycroft planning permission on the Quarry it is considered that mitigation in regards to the highways controls are required through this application.
- 7.48 In light of the conclusion of the 'Transport Statement', the measures put forward by the applicant company in mitigation and the expert opinion of the Highway Authority returning no objection to the proposed development subject to the imposition of a number of conditions, there is no policy conflict found in respect of any of the aforementioned 'development plan' policies insofar as they relate to the effects of the highway and traffic consequences of the proposed development.
- 7.49 The relevant 'development plan' policies to which due regard must be had when considering the effects of the proposed development in relation to its highway and traffic impacts principally include criterion (h) and (i) (safeguarding against cumulative impacts) of 'saved' NYMLP Policy 4/1 that requires, where appropriate, any proposed transport links to move mineral to market to be acceptable, 'saved' NYMLP Policy 4/13 concerned with ensuring that the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network and 'saved' NYMLP Policy 4/14 (safeguarding against unacceptable impacts upon the environment and local amenity). Whilst not possessing a specific focus upon mineral-related development proposals, the relevant 'development plan' context also includes sustainable development policy of Hambleton District's Core Strategy, Policy CP1 of Harrogate's Core Strategy (relevant insofar as it requires a Transport Assessment for proposals are likely to give rise to significant transport implications). Therefore there is nothing which would give rise to any planning reason to sustain a recommendation of refusal of planning permission on the grounds significant material adverse impacts upon the public highway in this instance.

#### Review of previous conditions

- 7.50 This permission would superseded the current extant permission ref. October 2001 ref C6/50D/93B and C2/99/045/0011 and therefore gives an opportunity to update aspects of the conditions assessing whether these are still relevant to the development and compliant with the tests for planning conditions. Due to the completion of extraction and restoration works it is considered a full overhaul of the conditions is required as many of the previous conditions are now not relevant to the proposal. Furthermore certain conditions requiring the submission of information to the County Council for consideration have now been approved and the conditions are required to be amended to state the development must be completed in accordance with these approved documents.
- 7.51 Extraction within the application site is complete, although Ripon quarry currently has an extant permission for a further area of extraction until 31<sup>st</sup> December 2030 (Ref. C6/500/95/D/CMA, dated 21 January 2018), as explained in paragraph 2.22. However the quarry extension permission did not include the access road or plant site within its red line boundary. The plant site and access road were originally approved under application Ref. C6/500/95B & C2/99/045/0011, which are the permissions to be varied through the application being determined at committee

today. Therefore further conditions are required to be included in this variation application currently being considered so the County Council can maintain an adequate control over Ripon Quarry's plant site and access road.

## 8.0 Conclusion

- 8.1 As referred earlier within this report, under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting position for the determination of this planning application must be the '*Development Plan*' and it must be made in accordance with the extant policies of that plan, unless there are material considerations, including any impacts upon interests of acknowledged importance that would indicate that planning permission should not be forthcoming. The assessment of material considerations within the overall '*planning balance*' has been conveyed within Section 7.0 above.
- 8.2 In this particular instance, there are a range of policies in the '*Development Plan*' to which due regard must be had, as well as a number of other material considerations. In considering the relationship of the proposals to the '*development plan*', Members should note that proposals should be judged against the '*development plan*' as a whole rather than against individual policies in isolation and acknowledge that it is not necessary for proposals to comply with all policies to be found compliant. Members will also need to bear in mind the relative weight to be attached to the applicable policies in the various elements of the '*development plan*' relevant to this proposal against that which is laid down within national planning policy (Section 6.0 refers).
- 8.3 The proposed development represented a continuation of an existing mineral working with existing associated infrastructure, negating the necessity to search for a new quarry on '*virgin*' Greenfield. Extraction on the site has now been completed, along with all restoration earthworks so it is considered that the application is now retrospective, all that remains to be completed is a portion of small scale restoration works.
- 8.4 Other material considerations that must weighed in the '*planning balance*' have been considered in the preceding section of this report such as impacts upon the environment and the amenity enjoyed by the local community in regards to the proposed amendments to the restoration of the site. These, while acknowledged to be impacts arising from the proposed development and understandably of concern to local residents living near the proposed site, are not considered to be significantly material so as to outweigh the economic benefits of the sustainable development and to be so sufficient as to warrant a determination that the application lies in conflict with the '*development plan*' to such a degree as to justify refusal of the application.
- 8.5 An assessment of the proposal has been made against the relevant locational/spatial policies of the '*development plan*' and the draft Minerals and Waste Joint Plan (MWJP) (*principally draft Policy M01; Policy M02; Policy M03; Policy M04; Policy M07 and Policy M08*) and no conflict with these policies is found and, therefore, a positive recommendation of an '*in principle*' acceptability in land-use planning terms is both reasonable and appropriate in the particular circumstance of the application. In addition, there has been a subsequent assessment of the proposal against other policies that comprise the '*development plan*' in respect of:
- Landscape and visual impact, '*saved*' NYMLP Policy 4/1 (criteria (b), (c), (d), (e), (f), (g) and (i)), 4/6A, 4/14, 4/15, 4/16 and 4/20; MWJP Policy D01 and D06; Hambleton Core Strategy Policy CP1 (criterion (ix)) and policies CP16 and CP18 together with Hambleton Development policies DP28, DP29, DP30, DP31, DP32 DP33 and DP43; and Harrogate Borough's '*saved*' Local Plan Policies C2 and R11 and its Core Strategy policies SG4 and EQ2;

- Ecology, 'saved' NYMLP Policy 4/1 (criteria (c), (d), (e), (f), (g) & (i)), 4/6A, 4/10, 4/14, 4/16, 4/18 and 4/20; MWJP Policy D07; Hambleton Core Strategy policies CP1 (particularly criteria (v) and (ix)), CP16 and CP18 together with DP31 and DP32 and Harrogate's Core Strategy Policy EQ2; and Harrogate Local Plan 'Saved' policy NC3 and NC4;
- Soil resources and agriculture, 'saved' NYMLP Policy 4/1 (criteria (c), (e), (f), (g) & (i)), 'saved' NYMLP policies 4/18 and 4/20; MWJP Policy D10 and D12; Hambleton District Core Strategy policies CP1, CP18 and CP21;
- Cultural heritage and archaeology, 'saved' NYMLP Policy 4/1 (criteria (c), (e) and (i)); Hambleton District Core Strategy policies CP1 (particular criterion (xi)) and CP16; Hambleton Development policies DP28, DP29, DP30 and DP33; and
- Residential amenity, 'saved' NYMLP Policy 4/1 (criteria (c), (e) and (i)), 4/14, 4/15 and 4/16; MWJP Policy D02; Hambleton Core Strategy policies CP1 (particularly criteria (iii) and (v)) and CP21 (criterion (ii)) together with Development policies DP1; Harrogate Core Strategy Policy EQ1 and Harrogate Local Plan 'Saved' Policy R11.

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

#### Obligations under the Equality Act 2010

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

#### Obligations under the Human Rights Act

8.8 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

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

## 9.0 Recommendation

- 9.1 Upon considering that the Environmental Statement, including further and other information submitted by the applicant, includes such information as that which may be reasonably required to assess the environmental effects of the development and which the applicant could reasonably be required to compile; and,
- 9.2 Having taken into account the environmental information relating to the application, namely the Environmental Statement, including further and other information submitted by the applicant, and duly made representations concerning the environmental effects of the development; and,
- 9.3 Having had due regard to the Human Rights Act; the relevant issues arising have been assessed as the potential effects upon those living within the vicinity of the application site; namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes, and considering that limited interference with those rights in accordance with the law, necessary and in the public interest; and,

**THAT**, subject to prior completion of an Appropriate Assessment Screening which concludes that the proposal would not have a negative impact upon the Special Area of Conservation (SAC). As required under the Conservation of Habitats and Species Regulations.

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

- Amendments to the management plan and site plan to include changes to the restoration of the site.

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

### **DEFINITION OF DEVELOPMENT**

1. The development hereby permitted must relate to the application details dated 16 June 1999 (as amended) and 29 October 2015 the list of 'Approved Documents' at the end of the Decision Notice and the following conditions which at all times must be complied with.

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

### **LIMITATIONS TO DEVELOPMENT**

2. There must be no further mineral extraction on the site and no further extraction is permitted under the terms of this planning permission.

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

3. The permission hereby granted authorises the use of the plant site and access road only until 31 December 2030. After this date the use of the plant site must be discontinued and all plant and machinery associated with the development must be

removed from the site. The plant site area must be restored in accordance with the Restoration Masterplan, Ref. Plan 5 Rev E (dated 1 October 2015) and the requirements of this permission by 31 December 2031.

*Reason: To reserve the rights of the County Planning Authority to ensure the adequate control of the development and provide for the proper completion and progressive restoration of the land to the requisite standard with the minimum of delay in the interests of amenity.*

4. No rock or aggregate must be imported into the site for stockpiling, processing or any other purpose without the prior written approval of the County Planning Authority.

*Reason: To reserve the right of control by the County planning authority in the interests of amenity.*

5. No mineral must be stockpiled except within the locations shown on Drawing No U9h/61 accompanying the planning application and no such stockpiles must exceed a height of 12 metres above adjoining ground level.

*Reason: In the interests of Amenity.*

6. No quarrying associated operations including transport of mineral from the site must take place except between the following times: 0700 to 1800 hours Monday to Friday and 0700 to 1200 hours Saturday. No quarrying or associated operations must take place on Sundays or Bank and Public Holidays.

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

#### **ABANDONMENT**

7. In the event that the use of the plant ceases on site for a period in excess of 12 months before the completion of the development, a revised scheme of interim restoration and landscape works must be submitted to the County Planning Authority for approval within 14 months of the cessation of extraction. The approved scheme must be implemented in accordance with the programme to be included in that scheme.

#### **HIGHWAYS PROTECTIONS**

8. There must be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at the A6108. The access must be maintained in a safe manner which must include the repair of any damage to the existing adopted highway.

*Reason: In the interests of both vehicle and pedestrian safety and the visual amenity of the area.*

9. The access road from the site to the public highway must be kept clean and maintained in a good standard of repair, free of potholes, for the life of the operations.

*Reason: To ensure the appropriate control of the development by the County Planning Authority in the interests of highway safety and safeguarding the local environment.*

10. No development that would obstruct the existing bridleway adjoining the plant site area must take place.



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

11. Precautions, including if necessary the provision of wheel cleaning facilities, must be taken and maintained to ensure that all vehicles leaving the site are in a clean condition, such that no dirt and/or mud are deposited on the public highway by vehicles travelling from the site.

*Reason: To ensure the appropriate control of the development by the County Planning Authority in the interest of highway safety and safeguarding the local environment.*

12. All vehicles involved in the transport of mineral from the site must be securely sheeted in such a manner as no material may be spilled on the public highway.

*Reason: In the interest of highway safety*

### **PROTECTION OF THE WATER ENVIRONMENT**

13. Any facilities for the storage of oils, fuels or chemicals must be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compounds must be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound must be at least equivalent to the capacity of the largest tank or the combined capacity of the inter-connected tanks plus 10%. All filling points, vents and gauges and site glasses must be located within the bund. The drainage system of the bund must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework must be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets must be detailed to discharge downwards into the bund.

*Reason: To prevent pollution.*

14. In the event that any significant adverse effects on ground or surface waters can be directly attributable to development taking place within the application area a detailed programme of mitigation measures must be submitted to and agreed in writing by the County Planning Authority and such mitigation measures as may be agreed under the terms of this condition must thereafter be implemented to the satisfaction of the County Planning Authority.

*Reason: To safeguard the rights of control by the County Planning Authority in the interests of the environment.*

### **EXTERNAL LIGHTING**

15. All external lighting must be maintained so as to prevent light pollution both in the immediate vicinity of the site and within the adjoining Ripon Parks Site of Special Scientific Interest (including the High Batts Nature Reserve) and must strictly accord with details previously approved under planning permission C6/500/95B & C2/99/045/0011.

*Reason: To ensure the appropriate control of the development by the County Planning Authority both in the interest of the amenity of the local community and in the interest of protecting the nature conservation interest of adjoining land.*

### **SAFEGUARDING AGAINST UNACCEPTABLE NOISE IMPACTS**

16. All plant, machinery and vehicles used on any part of the site must be fitted with effective noise attenuating equipment which must be regularly maintained. Where

earthmoving plant is operating in proximity to residential properties, non-audible reverse warning alarm systems must be deployed.

*Reason: In the interest of amenity.*

17. The free field sound levels associated with all site operations, including use of both fixed plant and mobile machinery, between 0700-1900 hours shall not exceed the background noise level ( $LA_{eq(T), 1hour}$ ) by more than 10dB(A) at all noise-sensitive premises and as determined at the specific locations shown below :-

Location	Proposed noise limit $LA_{eq(T), 1h}$ dB (A)
North Parks Farm	55
High Green Cottage, North Stainley	49
Manor Farm	45
Bellflask House	52
Rushwood Lodge	51
Norton Mills	46
Keepers Lodge	46

In any other event the total noise from the operations at noise-sensitive premises must not exceed 55dB  $LA_{eq(T), 1hour}$  (free field).

*Reason: To reserve the rights of control of the County Planning Authority in the interest of the protection of the amenity of the local community and environment.*

18. The application must strictly accord with details previously approved under planning permission C6/500/95/D/CMA, Noise Monitoring Scheme during operations at Ripon Quarry, Ref. R10.10445/NMS/2/AP dated 5 July 2019. Between quarterly noise surveys, additional monitoring must be carried out at the written request of the County Planning Authority. All results must be available for inspection on request by the County Planning Authority and the annual summary of results must be submitted to the County Planning Authority for consideration not later than 1 March in the following calendar year. The scheme must be the subject of review, resubmission and approval at 5 yearly intervals from the date of this decision

*Reason: To reserve the rights of control of the County Planning Authority in the interest of the protection of the amenity of the local community and environment.*

19. In the event that the noise level specified in condition no. 17 above is exceeded, those operations at the site causing the excessive noise must cease immediately and steps be taken to attenuate the noise level to be in compliance with the requirements of condition no. 17.

*Reason: In the interest of amenity.*

#### **PRECAUTIONS TO PREVENT GENERATION OF DUST**

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

*Reason: In the interest of amenity*

21. Dust control measures must be employed to minimise the emission of dust from the site. Such measures must include the spraying or other treatment of roadways, hard

standings, stockpiles and vehicle circulation areas and the discontinuance if necessary of dust generating activities during periods of adverse weather conditions.

*Reason: To ensure the appropriate control of the development by the County Planning Authority in the interests of minimising the adverse impact of dust generated by operations in the interests of the amenity of the local community.*

22. The development must be undertaken in accordance with the Dust Management Action Plan approved under planning permission C6/500/95/D/CMA, under cover of e-mail dated 1st August 2017 in line with the summary of dust control measures contained in Appendix C of the 'Assessment of Environmental Dust' report (ref. no. R11.6211/4/DW dated 7th October 2011 prepared by Vibrock Limited)

*Reason: To ensure the appropriate control of the development by the County Planning Authority in the interests of minimising the adverse impact of dust generated by operations in the interests of the amenity of the local community.*

### **RESTORATION AND AFTERCARE**

23. Throughout the period of restoration and aftercare the operator must:-
- i.) protect and support any ditch, watercourse or culvert passing through the site, or satisfactorily divert it so as not to impair the flow or render less effective drainage onto and from adjoining land;
  - ii.) provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there must be no pollution or other adverse effect on watercourses.

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

24. From the commencement of development until completion of aftercare, the operator must maintain and make stockproof the perimeter hedges, fences and walls. Where the site boundary does not coincide with an existing hedge, fence or wall, the operator must provide and maintain stockproof fencing until completion of aftercare.

*Reason: In the interests of safeguarding agricultural land.*

25. All soft landscaping as proposed must be completed in accordance with the Restoration Masterplan, Ref. Plan 5 Rev E (dated 1 October 2015) within the next available planting season (March 2020). Any tree/shrub planted or habitat created in accordance with the approved schemes which dies or becomes diseased within five years of the date of planting or creation must be replaced or recreated to the satisfaction of the County Planning Authority.

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

26. In October each year, a review of the landscaping, restoration works and aftercare must be carried out in conjunction with a representative of the County Planning Authority. The annual review and report must include a schedule of work undertaken, fencing, tree, shrub and reed bed planting (including types, sizes, numbers and species), protection of plants and management and maintenance of existing and new planting during the previous 12 months, the results of monitoring and the development of habitats. Thereafter, all such works must be carried out in accordance with the approved scheme.

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

27. The development must be carried out in accordance with the Agricultural Aftercare scheme approved on 2 June 2005 (ref. U9/G BJA/MH.a, dated 19 January 2005). The 5-year woodland/nature conservation/natural regeneration aftercare period for the site, or each part thereof, must commence on the date of the written certification by the County Planning Authority that the land concerned has been satisfactorily restored. Aftercare must be carried out for a period of 5 years in accordance with a detailed programme required to be agreed under the terms of Condition 8.

Reason: To ensure that those parts of the site that have been restored are subject to a programme of aftercare that has been approved by the County Planning Authority in the interests of agricultural/forestry/amenity use.

28. Before 30 September of every year during the aftercare period the mineral operator must provide the County Planning Authority with a detailed annual programme for approval including details of:-
- a) proposals for managing the land in accordance with the principles of good husbandry including planting, cultivation, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming 12 months;
  - b) a record of aftercare operations carried out on the land during the previous 12 months.

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

#### **RECORD OF DECISION**

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

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

#### **Approved Documents**

Reference	Title	Date
	Application Form	October 2015
	Planning Application Statement	October 2015
Ref. U9h/234	Plan 1 - Location Plan	February 2015
Plan 2 Rev A	Existing Site Configuration	10.11.15
U9/233	Plan 3 - Land Designations & Features	February 2015
Plan 4 Rev B	Final Earthworks	28.10.15
Plan 5 Rev E	Restoration Masterplan	1.10.15
Plan 6 Rev D	Restoration Cross sections	1.10.15
Plan 7	Water Control Features	9.10.15
U9h/113 Rev A	Phasing Manor Farm	9.7.04
	Site Biodiversity Action Plan	December 2013
	UK Geodiversity Action Plan – Ripon Quarry Site Gap	December 2012
	Environmental Statement	October 2015
Ref. 009/13/v1	Landscape and Visual Assessment	9.10.15
	Ecological Impact Assessment	October 2015
Ref. 15-226-001.02	Transport Assessment	1.10.15
Ref. 60746R5	Hydrogeological Impact Assessment	October 2015

Ref. R15.8709/1/1/RS	Noise Assessment	28.9.15
Ref. R15.8710/1/JS	Air Quality Assessment	28.9.15
	<i>Cultural Heritage Statement</i>	<i>September 2015</i>
	<i>160314 Agent Updating on Mistake in ES</i>	<i>14.3.16</i>
Ref. 60471163 Rev 1	Ripon Quarry Management Plan 2015-2019	February 2016
Ref. 60746R7 Rev 2	Ripon Crop Loss Investigation Summary Report	7 December 2015
Ref. Ref: 60746DS001	Objection Response	15 April 2016

**Environmental Information Statement:**

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

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

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

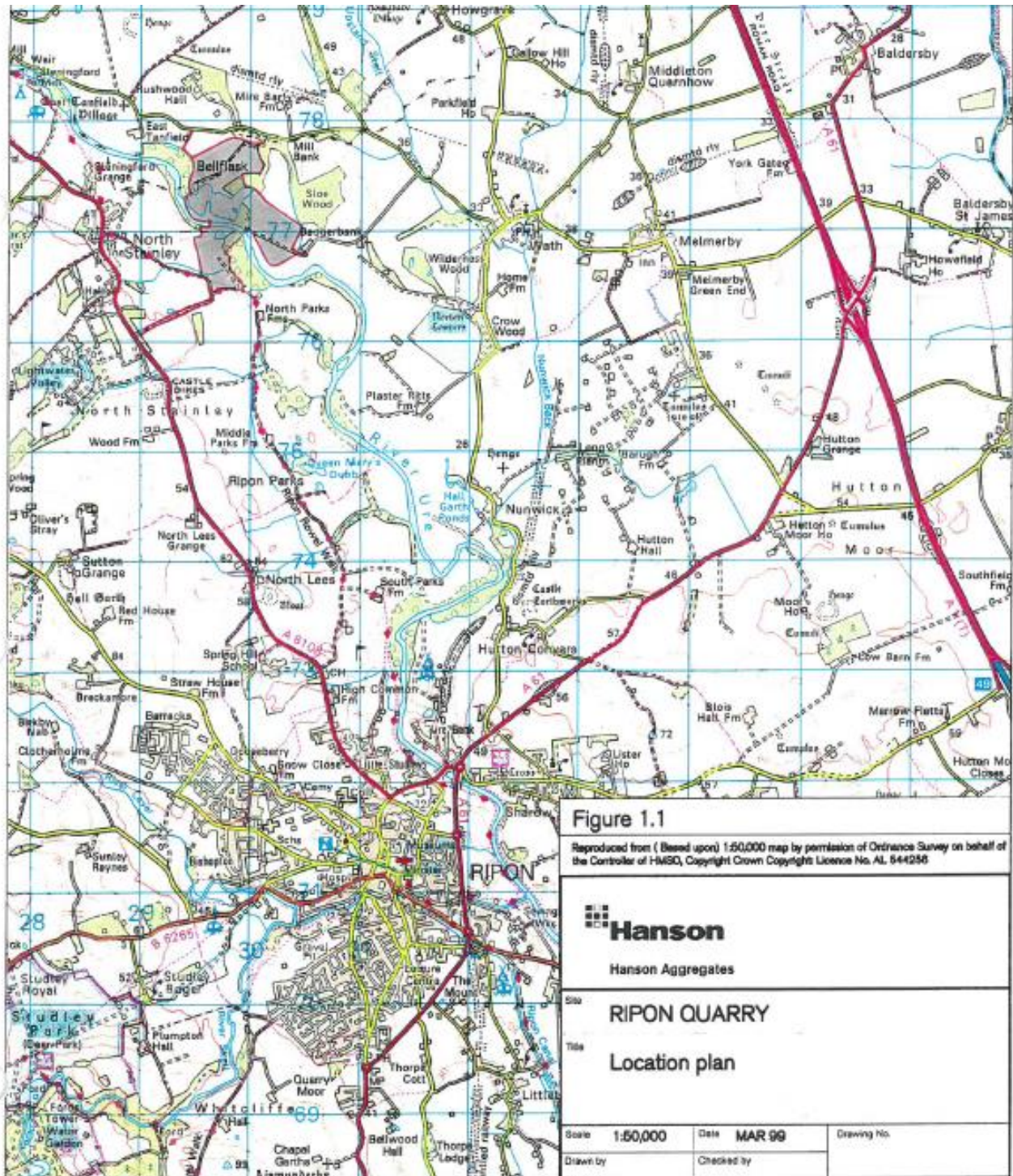
DAVID BOWE  
Corporate Director, Business and Environmental Services

Author of report: Sam Till

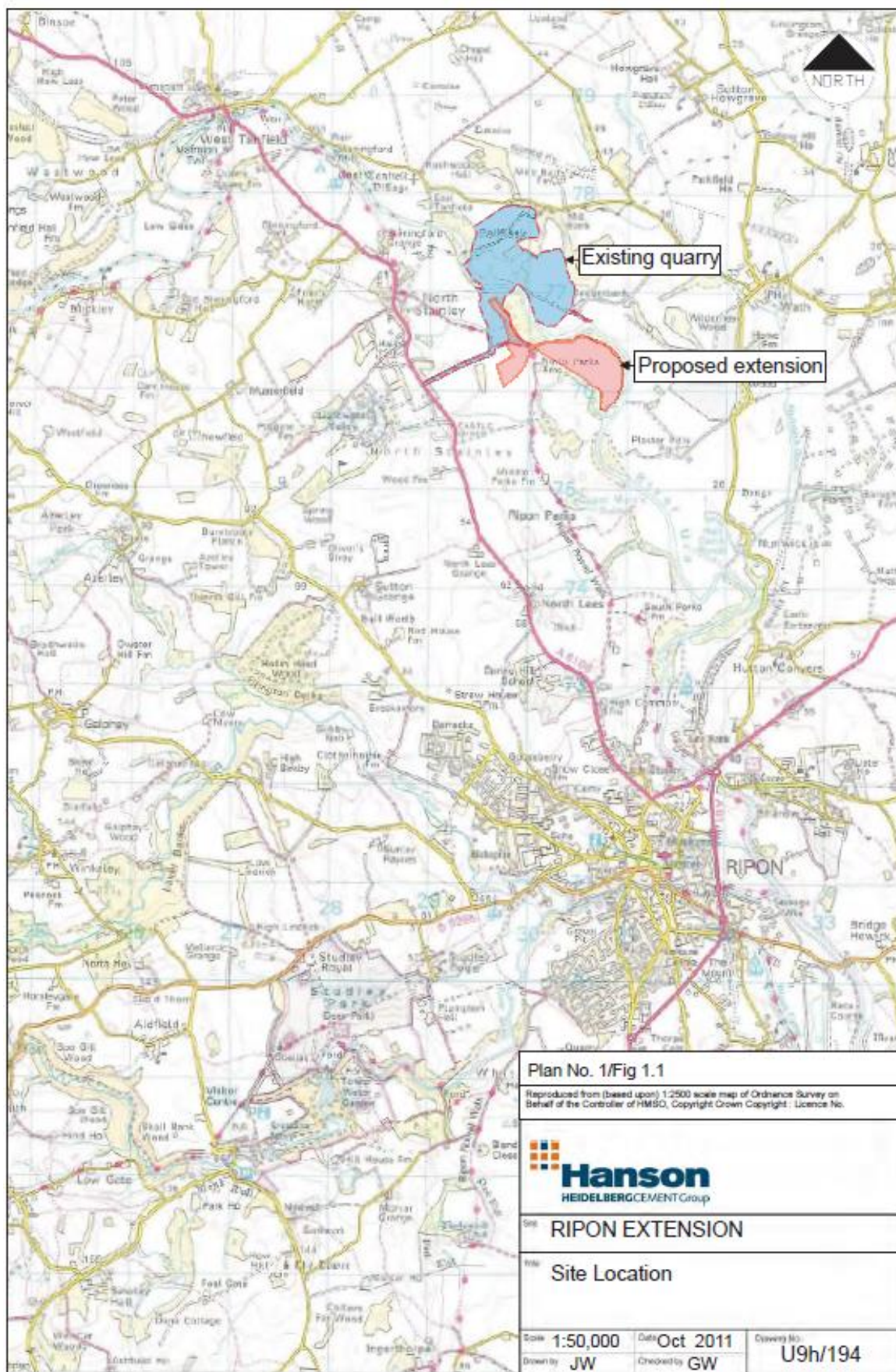
Background Documents to this Report:

1. Planning Application Ref Number: C6/500/277/CMA (NY/2015/0306/ENV) registered as valid on 11 November 2015. Application documents can be found on the County Council's Online Planning Register by using the following web link:  
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Appendix A - Location Plan

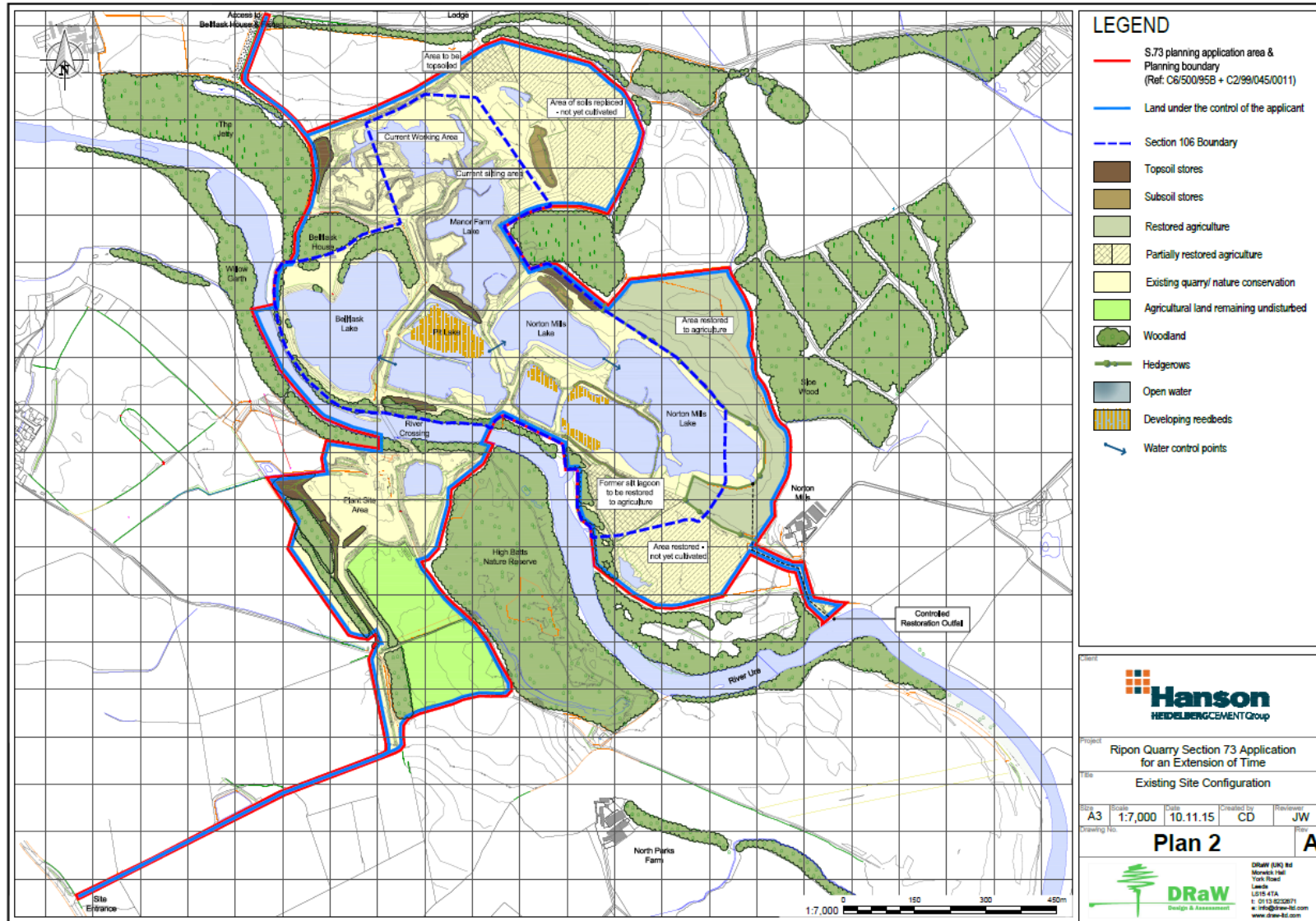


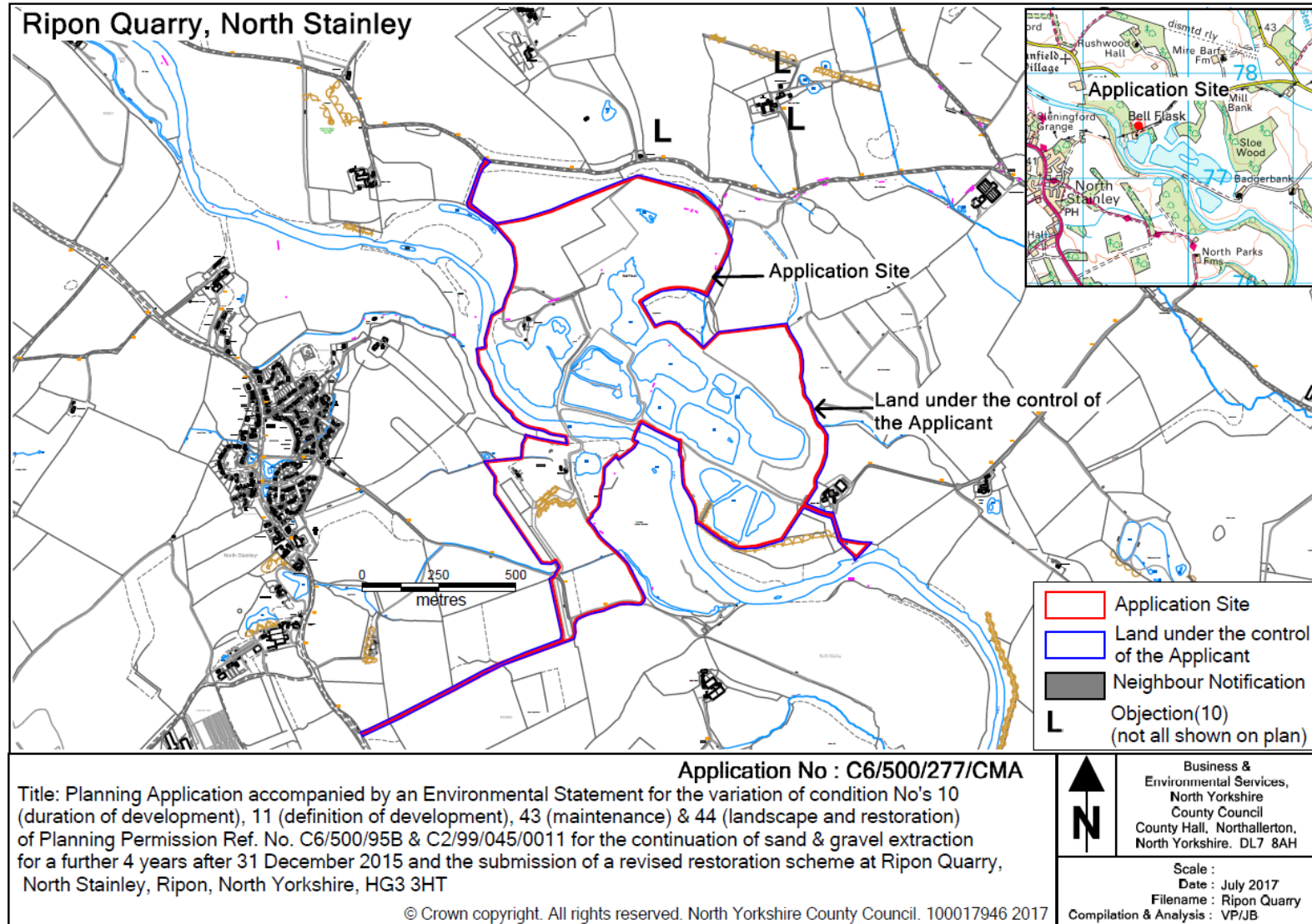
Appendix B – Site Location Plan from C6/500/95/D/CMA – further approved extraction permission.



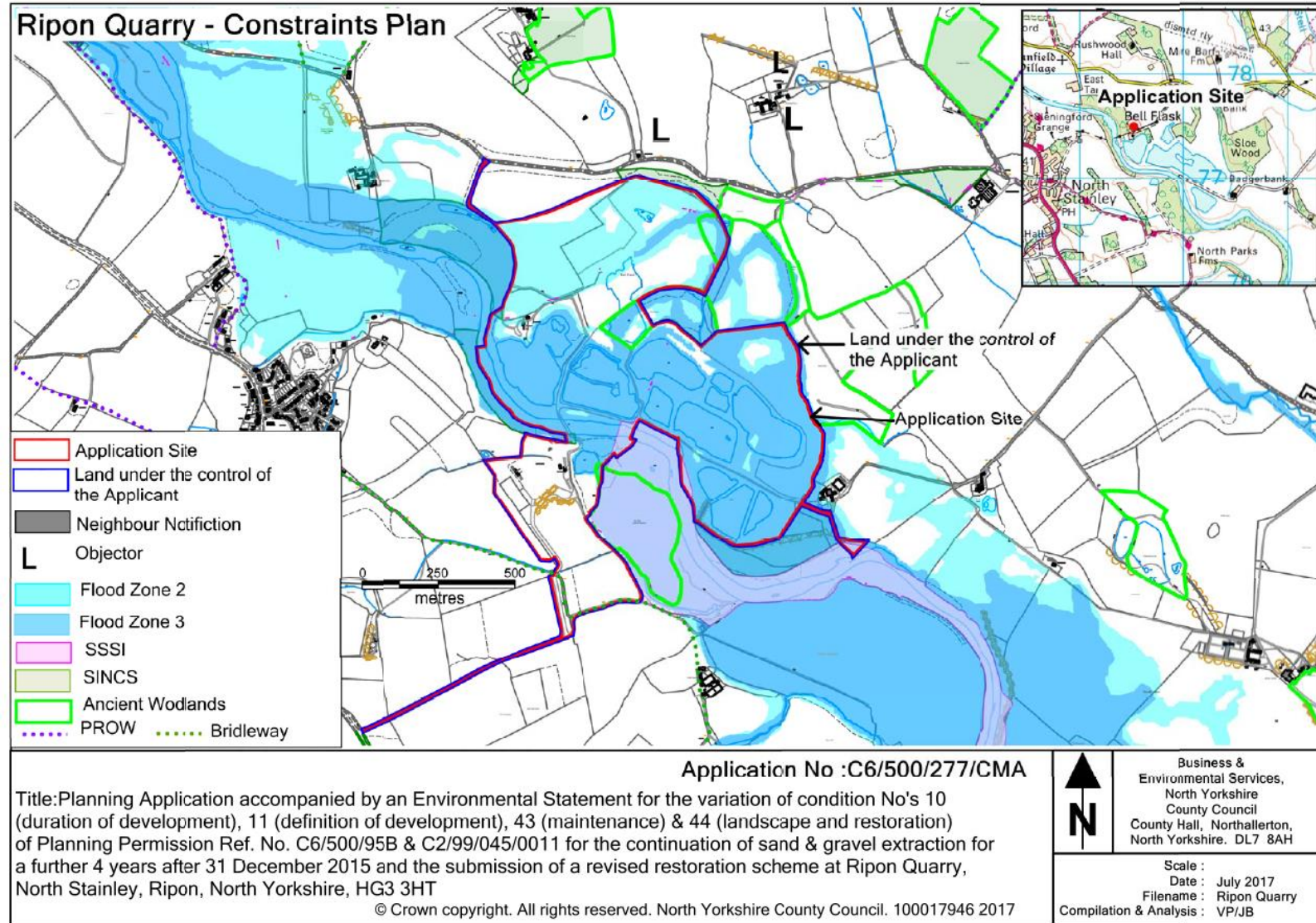


Appendix C - Existing Site Configuration

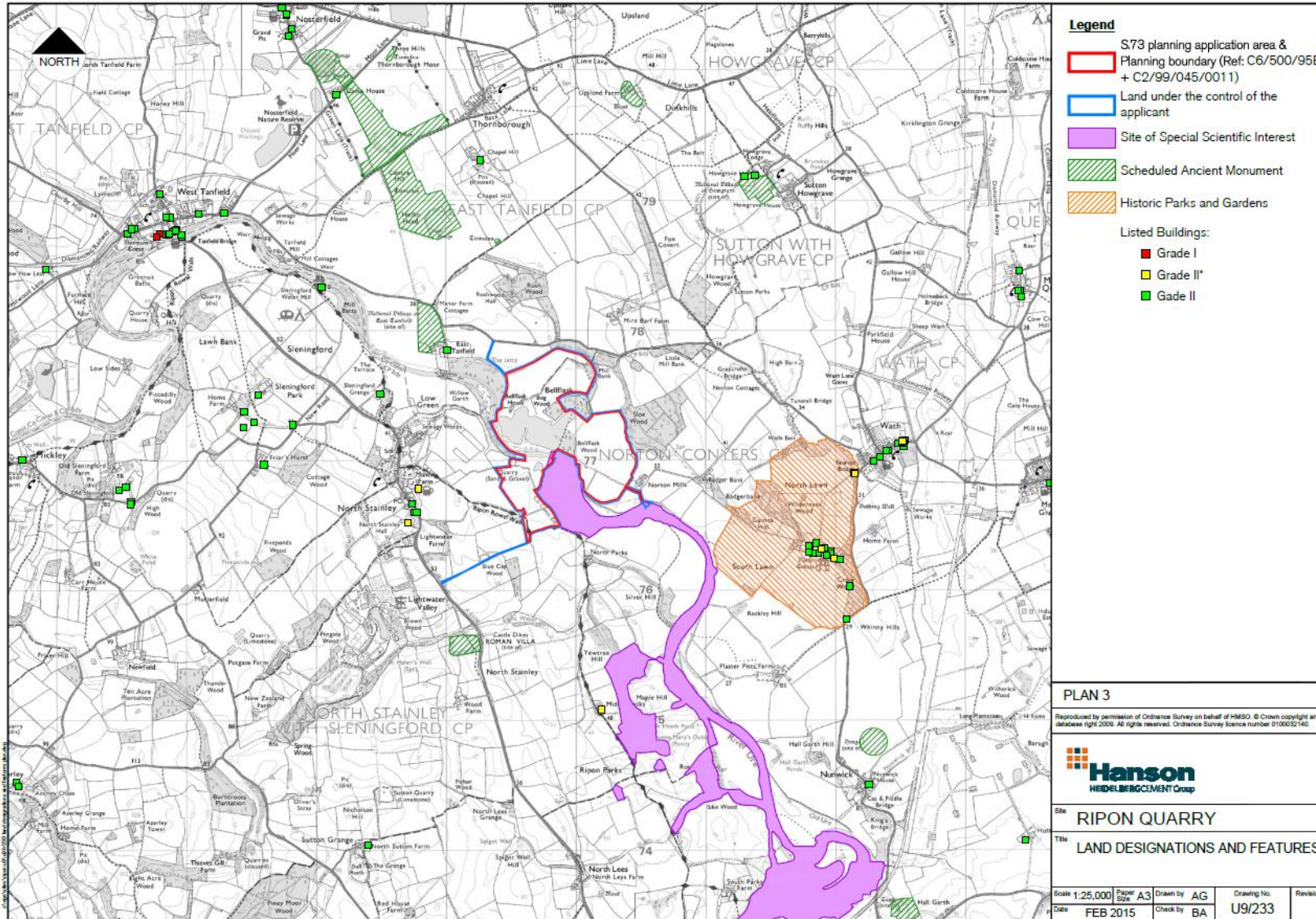




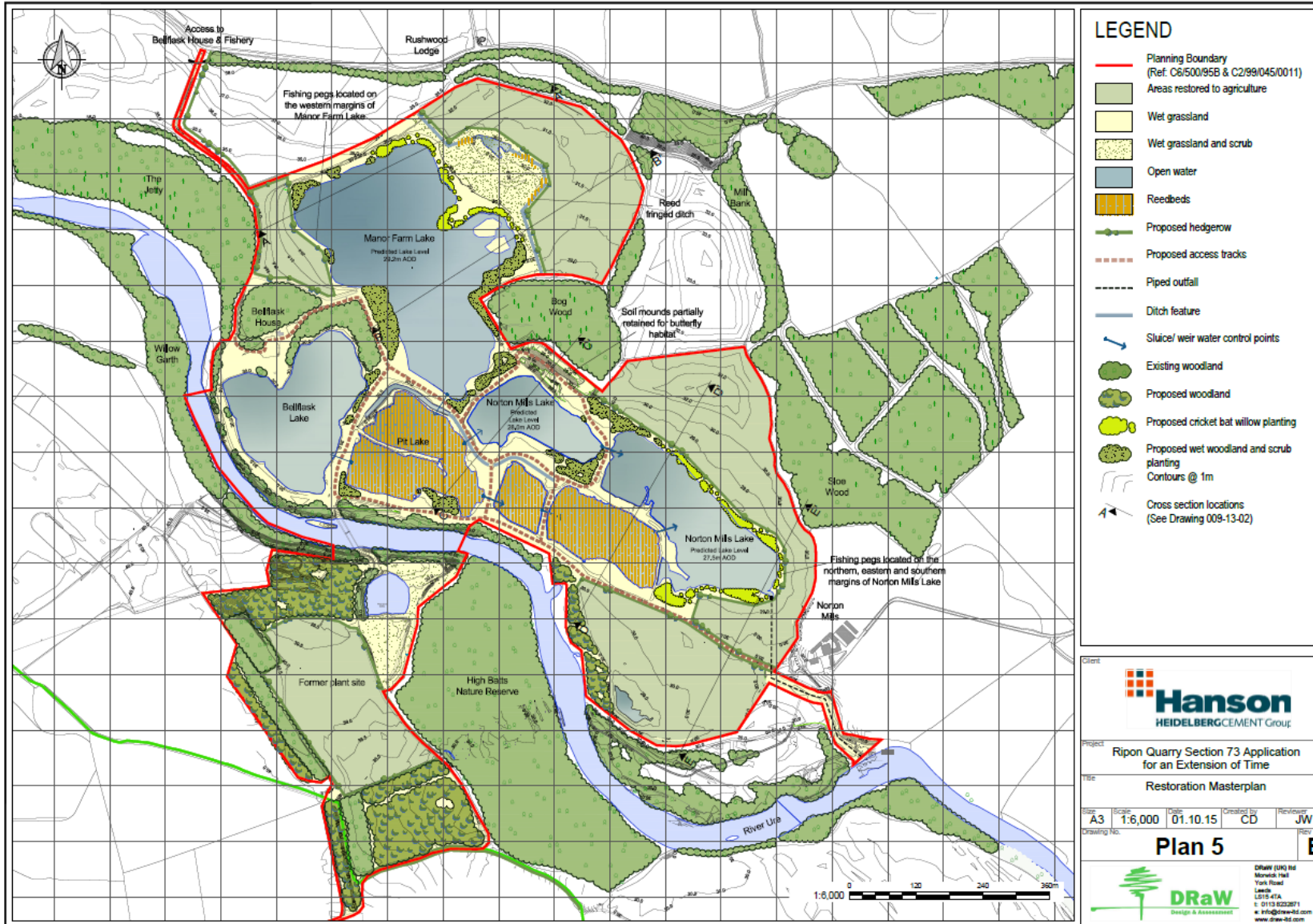
Appendix E – Constraints Committee Plan



Appendix F - Land Designations



Appendix G – Restoration Masterplan



**LEGEND**

- Planning Boundary (Ref: C6/500/95B & C2/99/045/0011)
- Areas restored to agriculture
- Wet grassland
- Wet grassland and scrub
- Open water
- Reedbeds
- Proposed hedgerow
- Proposed access tracks
- Piped outfall
- Ditch feature
- ↔ Sluice/ weir water control points
- Existing woodland
- Proposed woodland
- Proposed cricket bat willow planting
- Proposed wet woodland and scrub planting
- Contours @ 1m
- ↔ Cross section locations (See Drawing 009-13-02)

Client: **Hanson**  
HEIDELBERGCEMENT Group

Project: Ripon Quarry Section 73 Application for an Extension of Time

Title: Restoration Masterplan

Size: A3	Scale: 1:6,000	Date: 01.10.15	Created by: CD	Reviewer: JW
----------	----------------	----------------	----------------	--------------

Drawing No: **Plan 5** **E**

**DRaw**  
Design & Assessment

DRaw (UK) Ltd  
Morris Hall  
York Road  
Leeds  
LS15 4JL  
t: 0113 623871  
e: info@draw-uk.com  
www.draw-uk.com

## North Yorkshire County Council

## Planning and Regulatory Functions Committee

10 September 2019

## Items Dealt With under the Scheme of Delegation

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

The Items reported below have been determined between:  
24 June 2019 to 11 August 2019 Inclusive

**A. County Council Development****NY/2019/0134//NMT****Jazz Court, Ashmead Square, Eastfield,  
YO11 3EY**

Decision Notice: 05 August 2019

Application for a non-material minor amendment for alterations to the main roof fabric which relates to planning permission Ref. C4/18/01731/CC

DETAILS APPROVED

**C2/19/01260/CCC (NY/2019/0099/73A)****Alne Primary School, Main Street, Alne,  
York, North Yorkshire, YO61 1RT**

Decision Notice: 26 July 2019

retention of prefabricated classroom units 0001 & 0002 for a further 6 years (265 sq. metres)

PLANNING PERMISSION GRANTED subject to conditions

**C8/2019/0614/CPO (NY/2019/0098/FUL)****Sherburn High School, Garden Lane,  
Sherburn In Elmet, LS25 6AS**

Decision Notice: 05 August 2019

retrospective planning application for the installation of two single storey temporary changing blocks with access corridor (67 sq. metres), and single storey temporary gym (493 sq. metres) to be on site for 2 years

PLANNING PERMISSION GRANTED subject to conditions

**NY/2019/0132/A27****Moorside Infant & Junior School,  
Harrogate Road, Ripon, North Yorkshire,  
HG4 1SU**

Decision Notice: 06 August 2019

Application for the approval of details reserved by condition No's 4, 5, 8 & 12 of Planning Permission Ref. C6/19/01378/CMA which relates to a Tree Protection Plan, details of the temporary access road and surface finish, alterations to existing vehicle entrance and Construction Method Statement

Details APPROVED

**C6/19/02438/CMA (NY/2019/0090/73A)**

**Ripon Grammar School, 16  
Clotherholme Road, Ripon, HG4 2DG**

Decision Notice: 02 August 2019

variation of condition No. 2 of Planning Permission Ref. C6/16/02735/CMA which relates to moving the long jump pits

PLANNING PERMISSION GRANTED subject to conditions

**C6/19/02248/CMA (NY/2019/0089/A27)**

**16 Station View, Harrogate, HG2 7JB**

Decision Notice: 26 June 2019

Application for the approval of details reserved by condition No 3 of Planning Permission Ref. C6/19/01055/CMA which relates to a written scheme to provide a submitted isolux diagram to show the predicted luminance in the vertical plane (in lux) at critical locations not only on the boundary of the site but also at adjacent properties on land at Elderly Persons Home, 16 Station View Harrogate HG2 7JB

Details APPROVED

**C3/19/00690/CPO (NY/2019/0088/PND)**

**Pickering Community Junior School,  
Middleton Road, Pickering, YO18 8AJ**

Decision Notice: 05 July 2019

proposed demolition of former classroom block (90 sq. metres)

PLANNING PERMISSION GRANTED subject to conditions

**C5/2019/20475/NYCC (NY/2019/0081/FUL)**

**Kildwick C of E Primary School, Priest  
Bank Road, Kildwick, Keighley**

Decision Notice: 31 July 2019

erection of a timber canopy (11.5 sq. metres), two entrance doors with stepped access, 1 No. external fan light, 2 No. replacement windows on south elevation, 2 m high weld mesh fence and 2 m high gate.

PLANNING PERMISSION GRANTED subject to conditions

**C6/19/01540/CMA (NY/2019/0060/FUL)**

**Ripon Grammar School, 16  
Clotherholme Road, Ripon, HG4 2DG**

Decision Notice: 27 June 2019

Erection of a single storey prefabricated sports changing facility unit (185m<sup>2</sup>), 8no. wall mounted external lights, creation of footpaths (785m<sup>2</sup>), 8no external steps and ramped access and removal of 1no tree.

PLANNING PERMISSION GRANTED subject to conditions

**NY/2019/0031/A27**

**Jazz Court, Ashmead Square, Eastfield,  
YO11 3EY**

Decision Notice: 08 July 2019

Application for the approval of details reserved by condition No's 5, 6, 7, 8, 11 & 15 of Planning Permission Ref. C4/18/01731/CC which relates to a Landscaping scheme, foul and surface water drainage scheme, Runoff Rate, Storage Requirements and Maintenance scheme, Exceedance Flow Plan, pedestrian improvements and a Travel Plan

Details APPROVED

**NY/2018/0245/A27**

**Ripon Grammar School, 16  
Clotherholme Road, Ripon, HG4 2DG**

Decision Notice: 03 July 2019

Application for approval of details reserved by condition No's 10 & 11 of Planning Permission Ref. C6/16/02735/CMA which relates to an Arboricultural Method Statement and Tree Protection Plan and Surface Water Drainage

Details APPROVED

**C8/2018/1162/CPO (NY/2018/0178/FUL)**

**Hambleton C of E Primary School,  
Garforth Lane, Hambleton, Selby, YO8  
9HP**

Decision Notice: 22 July 2019

demolition of existing garage and bungalow (131 sq. metres), erection of a single storey classroom extension (106 sq. metres) to form a cloakroom and storage area, covered play area (29 sq. metres), (8 No. external fixed wall lighting, creation of a footpath, tree removal, playground extension (316 sq. metres), extended car parking area, hard and soft landscaping works and erection of external covered play canopy (30 sq. metres)

PLANNING PERMISSION GRANTED subject to conditions

## **B. County Matter Development**

**NY/2017/0307/A27**

**Nosterfield Quarry (Ladybridge Farm),  
Well, Bedale, North Yorkshire, DL8 2RA**

Decision Notice: 08 July 2019

Application for the approval of details reserved by condition No. 41 of Planning Permission Ref. C2/14/01890/FUL which relates to a scheme of aftercare

Details APPROVED

**NY/2018/0237/A27**

**Nosterfield Quarry (Langwith House  
Farm extension), Long Lane, Well,  
Nosterfield, Bedale, North Yorkshire,  
DL8 2QZ**

Decision Notice: 08 July 2019

Application for the approval of details reserved by condition No's 38 & 39 (part) of Planning Permission Ref. C2/11/02057/FUL which relates to a Scheme of Aftercare and review of the previous years landscaping, working, restoration and aftercare

Details APPROVED

**NY/2017/0306/A27**

**Nosterfield Quarry (Langwith House  
Farm extension), Long Lane, Well,  
Nosterfield, Bedale, North Yorkshire,  
DL8 2QZ**

Decision Notice: 08 July 2019

Application for the approval of details reserved by condition No. 38 of Planning Permission Ref. C2/11/02057/FUL which relates to a scheme of aftercare

DETAILS APPROVED



To access the planning application details, consultation responses and a copy of the report and decision notice containing any planning conditions relevant to the development please access the County Council's Online Planning Register at the following web address:  
<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

DAVID BOWE  
Corporate Director Business and Environmental Services

Author of Report: Beth Strangeways

Background Documents: None