

## North Yorkshire County Council

### Business and Environmental Services

#### Planning and Regulatory Functions Committee

24 SEPTEMBER 2020

**C1/19/00469/CM - PLANNING APPLICATION FOR THE PURPOSES OF THE 2.7 HA EXTENSION TO GATHERLEY MOOR QUARRY FOR THE EXTRACTION OF 50,000 TONNES OF BLOCK SANDSTONE OVER A PERIOD OF 20 YEARS ON LAND AT GATHERLEY MOOR QUARRY, MOOR ROAD, GILLING WEST  
ON BEHALF OF MR PAUL BAILEY  
(RICHMONDSHIRE DISTRICT) (RICHMONDSHIRE NORTH 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 2.7 ha extension to Gatherley Moor Quarry for the extraction of 50,000 tonnes of block sandstone over a period of 20 years on land at Gatherley Moor Quarry, Moor Road, Gilling West on behalf of Mr Paul Bailey.
- 1.2 This application is subject to an objection having been raised in respect of this proposal on the grounds of residential amenity in terms of noise and dust and is, therefore, reported to this Committee for determination.

##### 2.0 Background

###### Site Description

- 2.1 Gatherley Moor Quarry is located between the villages of Gilling West, approximately 1.4km to the south west, and Melsonby which is 1.3km to the north east and is directly adjacent to the A66 trunk road which is to the south of the site.
- 2.2 Sandstone is extracted from the site in the form of building stone which is transported to another location to be processed. The current application site covers an area of 5.72 hectares. The site has been worked in five phases and is being progressively restored and planted with trees. The current planning permission ref. no. C1/19/00469/CM is due to expire on the 28<sup>th</sup> February 2022 and the sandstone reserves are almost exhausted. Extraction is currently taking place in the final phase of the permitted workings. The quarry is not operated all year, but on a 'supply and demand' basis when required to replenish stocks at their storage facility at Cadeby in Doncaster. There are no buildings on site apart from a portaloo and small site office in the form of a shipping container.
- 2.3 The typical rates for extraction are based on demand for any particular year, but up to a maximum of 10,000 tonnes per annum of sandstone block. The stone is extracted from the quarry using a hydraulic excavator and occasional use of black powder explosives to help aid the block extraction. Some blasting is occasionally needed when necessary, any waste which is produced is used as backfill for the restoration of the void. The depth of the workings is approximately 5 to 12 metres below original ground level.

- 2.4 The site itself has no statutory designations and is not within a flood zone or source protection zone so a flood risk assessment is not required. The area is regarded as being of a distinctive landscape character. The local landscape is characterised by gently undulating arable land with numerous hedgerows and hedgerow trees, tree belts, small woodlands and dry stone walls. The area is visually open with panoramic views across the landscape, but the site itself is well screened by a combination of the surrounding topography and established tree planting and hedgerows. In the surrounding area there are moderate to large arable agricultural fields separated by dry stone walls which are low in height and many are in a state of disrepair. The hedgerows in the area are mainly hawthorn with small woodland plantations. The main tree species are oak, ash and beech whilst the plantations are often made up of scots pine and fir.
- 2.5 Gatherley Moor Quarry is directly adjacent to the A66 which is a primary route that links with the A1 at Scotch Corner and with Penrith and onward connection to the M6 Motorway. The site is accessed from Moor Road which connects with the A66 via a priority junction complete with a left turn ancillary lane into Moor Road, and give way arrangements onto the A66 creating a staggered cross roads arrangement with Hargill to the south. Adjacent to the site access there is an existing bridleway that forms part of the PROW network (ref. no. 20.33/291). This route provides access to Gilling West and Richmond and is signed from Moor Road. The bridleway is an unmade track which is also suitable for horseback riders.
- 2.6 The nearest residential properties are located to the south of the quarry site at Melsonby Crossroads. Two properties at Gatherley Moor Farm front directly onto the A66 and are about 70 metres from the closest operational part of the site. A third property, Hargill House, is approximately 110 metres to the south and is used as a caravan site. Over 400 metres to the north is the property Harelands Farm and located alongside this are a series of business units known as Harelands Courtyard.
- 2.7 A plan showing the application site is attached to this report.

### Planning History

- 2.8 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C1/20/00019/CM (NY/2020/0001/73A) – Extension of time to extract sandstone until 28<sup>th</sup> February 2022, granted 6 March 2020
  - NY/2016/0060/SCR – request for a formal Screening Opinion for proposed westerly extension to the quarry – adopted 29 March 2016.
  - NY/2011/0334/A30 – Application for the approval of details reserved by planning permission C1/25/146A/CM relating to a WSI and drainage and aftercare scheme. Approved 11 February 2008
  - C1/25/146A/CM (NY/2007/0158/73C) – Application for the variation of condition 19 of planning permission No. C1/25/146/PA/F. Granted 11 February 2008.
  - C1/25/146/PA/F (MIN2848) – Extraction of sandstone. Granted 12 July 2000.

### **3.0 The proposal**

- 3.1 Planning permission is sought for the 2.7 hectare extension to Gatherley Moor Quarry for the extraction of 50,000 tonnes of block sandstone over a period of 20 years on land at Gatherley Moor Quarry, Moor Road, Gilling West.
- 3.2 There are limited reserves remaining in the current planning consented area so the applicant is looking to secure longer term future supplies of the scotch buff sandstone supplies at the site. The characteristics of the sandstone make the mineral a highly valuable component in the dimension stone market. The block stone will be extracted using black powder explosives if required to split open existing planes to aid the

extraction of the black stone. Suitable pieces of stone will be removed from site without any processing such as cutting or sawing taking place. It is expected that only approximately 15% of the stone extracted will be suitable for block stone and the remaining 85% will be used as back fill for the restoration of the site. The proposed depth for extraction is to be between 5 and 12 metres, which is similar to the extant planning permission area and is above the level of the water table.

- 3.3 The extension area is approximately 2.7 hectares in total, to the west of the existing site, a detailed assessment has estimated a saleable block sandstone volume of 45,775 tonnes. In addition, there is estimated to be a further 5,000 tonnes of material suitable for local walling stone uses. It is estimated that there are between 15 to 20 years of reserves in the extension area, dependant on demand.
- 3.4 The 2.7 hectare extension area is situated on gently undulating ground which is some of the higher ground in the immediate locality. The proposed extension area is currently a medium sized field used for arable agricultural use. The field is devoid of any internal landscape features. There are no trees or vegetation within the application site apart from a gappy hawthorn hedgerow along the western boundary which is proposed to remain *in situ* for the duration of the working of the extension area. The eastern boundary has a dry stone wall in a poor state of disrepair. The coniferous plantation in the south eastern part of the site contains many trees that are leaning or are in decline and the density of the trees is low.
- 3.5 The south western boundary of the site generally lies on the higher ground at approximately 189 to 190 AOD with the level at the A66 carriageway down at 184m AOD. Beyond this, the land continues to fall sharply to the south/south west affording panoramic long distant views in this direction. From the north east boundary, the land dips gently and then rises to a ridgeline and hedgerow near the Harelands properties before dropping again further north towards the village of Melsonby. Within the wider landscape setting, the site is situated on high ground which is not overlooked and is visually contained by the local topography to the north and by the plantation, hedgerow trees and walls to the west and south.
- 3.6 Soils would be stripped and stored within the existing quarry area until required for restoration use. Following a consultation response from the Authority's Landscape Architect, the applicant provided further information. There is proposed to be 2 metre high screening bunds to the east, north and west of the proposed extension area, these would be constructed from the soils stripped from the extension area and stored '*like for like*' with topsoils and subsoils stored separately to retain the soil quality for use when the site is restored. The bunds would be grassed and seeded at the earliest opportunity. Additional planting could add further screening benefits and this would need to be on the outer face of the bund as the bunds would be removed and soils replaced upon completion of the mineral extraction. The inclusion of the perimeter screening bunds would provide a minimum 7 metre stand-off to the limit of extraction from the existing hedgerow to the north and dry stone wall to the east
- 3.7 It is proposed that the extension would be worked in 4 phases in an anticlockwise direction as detailed in plan ref. no. 19102/503 Phasing Plan which is included as Appendix 3 at the end of this report. The phasing will reduce the impact of the current operational phase and allow progressive restoration of the previously worked phase. All phases would be worked one bench at a time in approximately 30 metre sections. The method of extraction would remain the same including the occasional use of black powder explosives to split open existing joint planes in aid in block extraction. A change in phase would occur when all the required reserves are exhausted in any one phase.
- 3.8 There would be no intensification of workings and so no cumulative impact apart from the size of the quarry void increasing. The existing quarry is required in order to access

the extension area, so only a limited amount of progressive restoration can be done in the existing quarry due to a lack of space. Once workings advance into the extension area, then there would be areas which can be progressively restored, but it is difficult to put exact timescales on this due to the low intensity of the quarry workings and fluctuations in demand for the sandstone.

- 3.9 As each phase advances it would be progressively backfilled and restored to minimise potential impacts as far as practicable. The site would be restored back close to original ground levels. This would be achieved without the need to import and additional material as historic evidence relating to Gatherley Moor Quarry indicates that approximately 15% (sometimes less) of raw sandstone block off site, the remaining 85% is classed as waste and used as backfill for restoration material. The bulkage factor of this material in experience evens itself out to enable the ground levels to be restored back very close to original ground levels, therefore this approach would be used during the restoration of the extension area so the ground levels would be close to the current ones.
- 3.10 It is the intention to provide areas of biodiversity enhancement in the form of tree and hedgerow planting as indicated in the Restoration Plan ref. no. 19012/506 April 2019, this has been superseded by Restoration Plan ref. no. 19012/506 Rev B June 2020, which is included as Appendix 4 at the end of this report, following consultation comments from the Landscape Architect. The applicant has agreed to repair the full length of the dry stone wall and plant deciduous trees along the length of the northern boundary of the proposed extension area, the hawthorn hedge would also be improved along the eastern boundary
- 3.11 The working hours would remain unchanged as being between 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 on a Saturday, with no work taking place on a Sunday and Bank and Public Holidays. There is no fixed plant on site. Mobile plant would be brought in consisting of a 360<sup>0</sup> excavator, a drilling rig, front end loading shovel and dump trucks.
- 3.12 All HGV's leaving or travelling through the quarry would be on a road surfaced with compacted crushed quarry stone therefore reducing the potential for mud to be transferred onto the main road network. The provision for parking, turning and loading will be in the form of compacted crushed rock surface within the site area. A secure bunded area will be present for the storage of oils, fuels and chemicals with no discharge into the watercourse. This will ensure there is no pollution to surface or groundwater. Due to the low numbers of HGV's exporting stone, at a maximum of 15 per week, it is not practical to install a permanent wheel washing facility but when conditions are particularly bad within the site, drivers are instructed to manually clear excess mud from the site to clear any excess mud. Should this not be sufficient and mud is being tracked off site, a wheel clearer would be deployed as and when required.
- 3.13 An archaeological assessment was undertaken which concluded that the proposed development site lies in an area of rich archaeological and historic heritage, of particular note is the extensive prehistoric and Roman activity around Gilling West. The applicant proposes a watching brief during the process of soil stripping to identify any remains.
- 3.14 The quarry is in a remote location and the low intensity of operations means the site operates without any significant impacts on the locality. The current site is well screened by established perimeter screening and tree and hedgerow planting.

#### **4.0 Consultations**

- 4.1 The consultees responses summarised within this section of the report relate to responses to the consultation on 9 July 2019.

- 4.2 **Richmondshire District Council (Planning)** - Response received on 26 July 2019. No comments to make on these proposals.
- 4.3 **Gilling with Hartforth & Sedbury Parish Council** - no response received at time of writing this report.
- 4.4 **Melsonby Parish Council** – no response received at time of writing this report.
- 4.5 **Highway Authority** - received 15 July 2019. The applicant has prepared a transport assessment, as a relatively low level of vehicles will be generated the assessment does not include a capacity assessment for the site access to Moor Lane and the A66. The assessment indicates that there have been no accidents have been reported at the site access but many have been recorded on the A66 trunk road so suggest consulting Highways England, although it appears the traffic from the site has also had little impact at the junction.
- 4.6 There are no local highway authority objections to the proposed development but would like to ensure that the previous conditions apply to this current application relating to the number of HGVs entering and leaving the site, the time period over which the Quarry can operate and the wheels are clean leaving site.
- 4.7 **Highways England** – received 12 July 2019. It is considered that a recommendation can be made in response to the planning application, setting out that conditions should be attached to any grant of planning consent. The proposed planning conditions, specified by Highways England are intended to secure and maintain the functionality, operation and safety of the Strategic Road Network, specifically the A66.

The recommended condition is therefore:

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

Reason

*In the interests of securing the functionality, safety and operation of the Strategic Road Network.*

- 4.8 **Natural England** – received 23 July 2019. Stated ‘no objection’. Considers that the proposed development will not have significant adverse impacts on statutory protected nature conservation sites or landscapes.
- 4.9 **Environmental Health Officer (Richmondshire)** – received 18 July 2019. Have considered the potential impact on amenity and likelihood that the development will cause a nuisance and offer the following comments:

Noise

- 4.10 The Noise Assessment has measured the background noise levels at the nearest residential properties and compared this to the predicted noise levels from the proposed extension. The predicted noise levels have been compared to the noise limits in the planning practice guidance and NPPF. The noise from activities on site are all below the background noise limits detailed in mineral practice guidance. The results show that there will be no significant adverse impact from noise at the nearest residential properties.

Dust and Air Quality

- 4.11 The dust and management procedures are considered sufficient to control dust from the site to an acceptable level, it is considered that there will be no significant adverse impact from dust at the nearest residential properties.

4.12 A further response was received on the 15 August 2019 which stated:

Noise

4.13 Subsequent to the initial response Richmond EHO received a complaint from a nearby resident regarding noise from the operations at Gatherley Moor Quarry. It is not possible to investigate the complaint at this time as the quarry is not operational and reportedly has not been operational for approximately one year. However, in view of this complaint the current conditions of the existing planning permission were discussed to see if these could be improved in order to protect the amenity of nearby residents. The current planning permission does not include any conditions containing noise limits therefore recommend that the following conditions are included in any permission granted.

1. *During the hours of 0700 and 1900, the equivalent continuous noise level ( $L_{Aeq}$  one hour) due to operations at the quarry shall not exceed the background level ( $L_{A90}$ ) by more than 10 dB (A) at any noise sensitive property.*
2. *For essential site preparation activities such as soil stripping and the construction of baffle mounds a temporary daytime noise limit of 70 dB(A) Leq, 1hr for up to 8 weeks in a year at any noise sensitive property.*

4.14 **Environment Agency York** - received 22 August 2019. Have the following information to provide on groundwater protection grounds.

Protection of Groundwater

4.15 The site lies on a Secondary A aquifer but not within any source protection zone. There will be no imports and any waste produced will be used for back filling the void.

4.16 The proposed development will only be acceptable if a planning condition is included requiring the approval of adherence to a Construction Method Statement demonstrating how sensitive receptors will be protected during the implementation of the development.

Condition

*Prior to the commencement of development, a Construction Method Statement (CMS) shall be submitted prior to the commencement of development. The development shall be constructed in accordance with a CMS, submitted to and approved by the Local Planning Authority. The CMS should include implementation of mitigation measures designed to protect the groundwater, and these details shall not be altered in any way without the prior written approval of the local Planning Authority.*

Reason

*To protect groundwater to any possible source of contamination.*

4.17 The contents of the Environment Agency response were sent to the applicant for consideration. The applicant requested more details about what would be expected in a 'Construction Method Statement' as there are already measures in place on the active site for the protection of groundwater from pollution and these were detailed. This information was passed back to the Environment Agency who were then satisfied that the measures and conditions in place for the existing site were sufficient to satisfy the requirements of the 'Construction Management Statement' so the suggested condition was not required.

4.18 **Coal Authority** – received 11 July 2019, the site does not fall within a High Development Risk Area and is located in the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted to the Coal Authority to be consulted. If this proposal is granted planning permission, it will be

necessary to include The Coal Authority's 'standing advice' within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

- 4.19 **NYCC Heritage - Principal Landscape Architect** - received 2 August 2019. Object to the application in its current form.
- 4.20 The application site is on agricultural fields with potential for Best and Most Versatile ALC. Further clarification is needed to explain how agricultural land quality is affected and how soils will be retained, stored and managed on site. Further clarification is required in order that the landscape and visual effects of the proposed development can be considered, to demonstrate that impacts are within acceptable limits and with a suitably agreed landscape restoration. maintenance/aftercare scheme. Some viewpoints near the site are likely to have moderate high sensitivity, there is potential for significant adverse landscape and visual effects which are not sufficiently explained.
- 4.21 The existing boundary hedgerows and walls require protection would require sufficient stand-off to protect them and this should be shown on a plan. The overall proposal, aims and objectives of the restoration should be clearly set out in the application together with a long term maintenance and management plan. The site is to be progressively restored back to close to original ground levels, further information regarding how this is to be achieved is required.
- 4.22 The cumulative effects of the development should be considered and the proposals should explain the restoration of the site as a whole in order that the extension area is integrated with the wider quarry restoration. The proposed boundary hedgerows and woodland screen planting should be implemented as advanced planting in order to reduce adverse effects.
- 4.23 The Landscape Architect indicated that the Restoration Masterplan was not sufficient and did not provide enough detail. Proposals for long term maintenance and management should be clear for the site as a whole taking into consideration the sensitivity of the site and the scale of the extension. In summary, the Restoration and Aftercare scheme document should set out clear aims and objective for the restoration, to explain the purpose of the restoration, its value and what is to be achieved at the end of the maintenance management period. The mechanisms of how these arrangements are to be secured and implemented should be clearly explained so they can be secured by legal agreement for the whole site. Night working and lighting should be restricted to protect the location and setting. Further information on landscaping is also required.
- 4.24 In response to this comment the agent provided a revised Restoration Masterplan 19012/506 Rev B March 2020 and Restoration and Aftercare scheme, the Masterplan is included as Appendix 4 at the end of this report. The Landscape Architect stated that the restoration scheme is an improvement, though it is not clear from the plan and document which work is required as advanced boundary works to screen the development (extend screen planting to northern boundary, boundary wall to be repaired, new fencing to southern boundary, boundary hedgerow planting and hedgerow improvement to southern and western boundary), and that the remainder is restoration to follow extraction. The Landscape Architect indicated they would be satisfied if this could be resolved by suitably worded condition(s), that those advanced elements are implemented in advance of the extraction works and maintained for the duration of the development, this requirement is covered by condition 27 in section 9 at the end of the report. The full restoration scheme to be implemented at completion of the extraction/permission period.
- 4.25 **NYCC Heritage – Ecology** – received 16 July 2019. The proposed extension is of low ecological value. Adequate ecological surveys have been undertaken to demonstrate

there is unlikely to be impact on any priority habitats or protected species and is too remote from nature conservation sites to expect any direct or indirect impacts. The restoration plan which shows improvements to hedgerows and dry stone walls along with wildflower grassland and a wetland area would represent substantial enhancement for biodiversity and would welcome further details prior to determination.

- 4.26 If the application is to be approved then a condition regarding adherence to the recommendation set out in section 7.7 of the Ecological Impact Assessment report is recommended, which states *'removal of trees, shrubs and surface vegetation should be completed outside of the bird breeding season (March to September inclusive). Where this is not possible a suitably qualified and experienced ecologist should complete survey of the Site immediately prior to completion of the proposed works to search for nesting birds and to advise on exclusion zones or timing of works if nesting birds are recorded.'* Also advise a walk over survey to check for mobile species such as badgers prior to the commencement of the works. Both of these points are covered by conditions 31 and 32 in section 9.0 of this report.
- 4.27 **NYCC Public Rights of Way Team** - received 10 July 2019, they do not consider that the line of any Public Right of Way is likely to be affected by this application.
- 4.28 **NYCC Heritage – Archaeology** – no response received

#### Notifications

- 4.29 **County Cllr Angus Thompson** - notified on 9 July 2019.

## **5.0 Advertisement and representations**

- 5.1 The proposal has been advertised by means of Site Notices posted on 10 July 2019 (responses to which expired on 31 July 2019). The Site Notices were posted in the following locations: one was placed on the gate at the entrance to the quarry site, one was placed on a lamppost outside Gilling West Village Hall and a third was placed on a lamppost near the Gilling West Parish notice board. A Press Notice appeared in the Darlington and Stockton Times on 19 July 2019 (responses to which expired on 2 August 2019).
- 5.2 Neighbour Notification letters were sent on 11 July 2019 and the period in which to make representations expired on 30 July 2019. The following properties received a neighbour notification letter:  
 Gatherly Moor Farm, Gilling West, Richmond, DL10 5LJ;  
 Hargill House, Hargill, Gilling West, Richmond, DL10 5LJ;  
 Hargill House Caravan Club, Hargill, Gilling West, Richmond. DL10 5LJ;  
 Granery Cottage, Hargill, Gilling West, Richmond. DL10 5LJ;  
 The Lodge, Gatherly Moor Farm, Hargill, Gilling West, Richmond. DL10 5LJ;  
 1 – 16 Haregills Court Yard Offices, Moor Road, Melsonby, North Yorkshire, DL10 5NY.
- 5.3 One letter of representation has been received raising objection against the proposed development which would be clearly visible from some residences and business premises. The main reasons for the objection are noise, dust and visual impact and a summary of the points are below in paragraphs 5.4 to 5.7.

#### Noise

- 5.4 Noise from the current quarry is audible at nearby properties, the most noticeable is the sound of scraping, concerned that the proposed extension would generate further noise and prolong the working of the quarry. Do not agree with the findings of the noise report. There is nothing to obstruct the noise travelling to nearby properties which are located in a rural and quiet location. There is no mitigation of noise levels at the quarry and no mitigation proposed for the new proposal.



Dust

- 5.5 The dust control and management procedures for the proposed development appear to have been taken at face value by the District Council's Environmental Health Officer, a complaint has been made about noise in the past which has not resolved matters satisfactorily. Adverse impacts are experienced from the existing quarry which includes dust on cars, windows and solar panels, which need to be regularly cleaned to maintain their efficiency. It is assumed that similar dust management methods are proposed which were approved in the initial application, it is felt that these are far from sufficient to control dust from the site, or they are not being implemented correctly.

Visual/landscape impact

- 5.6 Concerned that the visual impact of the proposed development on nearby properties has not been assessed. Negligible planting and landscaping to screen the development is proposed. The businesses locate to the nearby properties because they are rural and set in peaceful and tranquil surroundings within an attractive location and so are just as sensitive as residential properties in this location.
- 5.7 The proposed development may have an impact on properties nearby and discourage businesses from using the offices. Residential amenity is also compromised by existing quarry activities to an unacceptable degree and has caused anxiety and stress. The proposed extension will exacerbate current impacts and prolong the quarrying activities for many years.
- 5.8 The resident making the objection has been provided with details of the proposed conditions relating to noise and dust and also made aware of the proposed advanced planting and wall repairs which are intended to screen the site from nearby residential and business properties. No response has been received to date so their objection to the proposal remains.

**6.0 Planning policy and guidance**

- 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 *Development Plan* for the determination of this particular application comprises the following:

The extant 'saved' policies of the North Yorkshire Minerals Local Plan (1997);  
The extant policies of the Richmondshire Local Plan Core Strategy (2014);

During discussion of the development plan, reference is made to the National Planning Policy Framework (NPPF) which is referred to and discussed later in this report from paragraph 6.36 below.

- 6.3 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 (MWJP) (North Yorkshire County Planning Authority, City of York Council and North York Moors National Park Authority).

6.4 The draft (MWJP) was published in November 2016 for representations, following this an Addendum schedule of proposed changes was consulted on for a period of 7 weeks during the summer of 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) commenced on the 27 February 2018. At present the plan is still in the examination phase with the hearings having been concluded and with main modifications to be consulted upon. Therefore, some weight can be given to the MWJP policies. The most relevant policies in regards to this application are:

- M10 - Unallocated extensions to exiting quarries;
- M15 – Continuity of supply of building stone;
- D01 – Presumption in favour of sustainable minerals and waste development;
- D02 – Local amenity and cumulative impacts;
- D03 - Transport of minerals and waste and associated traffic impacts;
- D06 – Landscape;
- D07 - Biodiversity
- D09 – Water environment;
- D10 – Reclamation and afteruse;

6.5 Emerging Policy M10 deals with unallocated extensions to existing quarries and the relevant text states:

*Proposals for extensions to mineral extraction sites on land not allocated for working in the Joint Plan will be permitted subject to the following criteria;*

- ii) *The development would not compromise overall delivery of the strategy for the sustainable supply and use of minerals, including encouraging the use of alternatives to primary minerals;*
- iii) *The development would be consistent with the development management policies in the Joint Plan.*

6.6 Emerging Policy M15 Continuity of supply of building stone states

*1) In order to secure an adequate supply of building stone, proposals will, where consistent with other policies in the Joint Plan, be permitted for:-*

- i) the extension of time for completion of extraction at permitted building stone extraction sites;*
- ii) the lateral extension and/or deepening of workings at permitted building stone extraction sites;*

*2) Proposals for the supply of building stone should be supported by evidence to demonstrate the contribution that the stone proposed to be worked would make to the quality of the built and/or historic environment in the Plan area and/or to meeting important requirements for building stone outside the area. The scale of the proposal should be consistent with the identified needs for the stone.*

6.7 Emerging Policy D01 Presumption in favour of sustainable minerals and waste development states:

*'... 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 ... 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;*

6.8 Emerging Policy D02 Local amenity and related cumulative impacts relevant text states:

*1) 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,*
- *visual intrusion,*
- *land instability*
- *disruption to the public rights of way network*
- *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*

6.9 Emerging Policy D03 Transport of minerals and waste and any associated traffic impacts, the relevant text states:

*Where road transport is necessary, proposals will be permitted where:*

- *There is capacity within the existing network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not have an unacceptable impact on local communities, businesses or other users of the highways network, or any such impacts can be appropriately mitigated, for example by traffic controls, highway improvements and traffic routing arrangements; and*
- *Access arrangements are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users, where relevant; and*
- *There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.*

6.10 Emerging Policy D06 Landscape relevant text states:

*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.*

6.11 Emerging Policy D07 Biodiversity relevant text 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.*

6.12 Emerging Policy D09 Water environment states:

*1) Proposals for minerals and waste development will be permitted where it can be demonstrated that no unacceptable impacts will arise, taking into account any proposed mitigation, on surface or groundwater quality and/or surface or groundwater supplies and flows.*

6.13 Emerging Policy D10 Reclamation and afteruse relevant text 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:*

- 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;*
- 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;*
- vii) 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:*

- viii) Promoting the delivery of significant net gains for biodiversity and the establishment of 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.*

North Yorkshire Minerals Local Plan 'saved' policies (NYMLP)

- 6.14 The Planning and Compensation Act 1991 placed a duty on each County Council in England and Wales to prepare a Minerals Local Plan. The NYMLP was adopted in 1997 under the 1991 Act. In the absence of an adopted MWJP and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the 'saved' policies continue to form part of the statutory 'development plan' and provide an important part of the current local policy framework for development control decisions for minerals related development.
- 6.15 The 'saved' policies of the North Yorkshire Minerals Local Plan (1997) relevant to the determination of this application are:
- 4/1 – Determination of planning applications
  - 4/10 – Water protection
  - 4/13 – Traffic impact
  - 4/14 – Local environment and amenity
  - 4/15 – Public Rights of Way
  - 4/20 – Aftercare
- 6.16 'Saved' Policy 4/1 'Determination of Planning Applications', states that: *'In considering an application for mining operations, the Minerals Planning Authority will need to be satisfied that, where appropriate: -*
- (a) the mineral deposit on the application site has been fully investigated;*
  - (b) the siting and scale of the proposal is acceptable;*
  - (c) the proposed method and programme of working would minimise the impact of the proposal;*
  - (d) landscaping and screening has been designed to effectively mitigate the impact of the proposal;*
  - (e) other environmental and amenity safeguards would effectively mitigate the impact of the proposals;*
  - (f) the proposals and programme for restoration are acceptable and would allow a high standard to be achieved;*
  - (g) a high standard of aftercare and management of the land could be achieved;*
  - (h) the proposed transport links to move the mineral to market are acceptable; and*
  - (i) any cumulative impact on the local area resulting from the proposal is acceptable'.*

- 6.17 The NPPF is silent in respect of the matters raised within criteria a), b), c), and d),
- 6.18 Criterion e) is consistent with paragraph Chapter 17 paragraph 205 c) of the NPPF which states that when determining planning applications, local planning authorities should *'ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled or mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.'*
- 6.19 Criteria f) and g) are consistent with 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.*
- 6.20 Criterion h) of 'saved' Policy 4/1 does not conflict with the provisions of the NPPF; however, there are differences in the objectives. Criterion h) states that transport links should be acceptable whereas paragraphs 102 - 104 of the NPPF states that improvements to the transport network should be considered, therefore, the NPPF should be given more weight in this instance.
- 6.21 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.
- 6.22 'Saved' Policy 4/10 'Water Protection' states:  
*'Proposals for mining operations and the associated depositing of mineral waste will only be permitted where they would not have an unacceptable impact on surface and ground water.'*  
This Policy is consistent with paragraph 170 of Chapter 15 Conserving and enhancing the natural environment particularly part e) which states *'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.'* It is also consistent with paragraph 205 b) of Chapter 17 Facilitating the sustainable use of minerals which states *'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 the locality.'* This policy should be afforded full weight in the determination of this application.
- 6.23 'Saved' Policy 4/13 'Traffic Impact', states that *'Where rail, waterway or other environmentally preferable modes of transport are not feasible, mining operations other than for coal, oil and gas will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network and would not cause undue disturbance to local communities.'*
- 6.24 This Policy is consistent with the provisions of Chapter 9 paragraph 102-104 of the NPPF which also states that improvements to the transport network should be considered, paragraph 108 c) which states that any significant impacts from the development on the transport network needs to be mitigated to an acceptable degree and paragraph 109 which states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* This policy should be afforded full weight in the determination of this application.
- 6.25 'Saved' Policy 4/14 'Local Environment and Amenity', states that:

*'Proposals for mining operations and the associated depositing of mineral waste will be permitted only where there would not be an unacceptable impact upon the local environment or residential amenity.'*

- 6.26 This Policy is considered to be consistent with Chapter 17 paragraph 205 of the NPPF. Paragraph 205 states that when determining planning applications, local planning authorities should *'b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality and c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated are removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.'* This policy should be afforded substantial weight in the determination of this application.
- 6.27 Saved Policy 4/15 'Public Rights of Way states that where proposals for mining and associated depositing of minerals waste would affect the use of a public right of way they would only be permitted where provision has been made to protect the existing right of way or an alternative has been provided. This policy is considered to be consistent with Paragraph 98 of the NPPF which deals with protecting and enhancing public rights of way, and so this policy should be afforded limited weight in the determination of this policy.
- 6.28 'Saved' Policy 4/20 'Aftercare' 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 afteruse. Normally this requirement will run for a period of five years following restoration. Additionally, where forestry and amenity (including nature conservation) afteruses are proposed, the Mineral Planning Authority may seek to secure longer term management agreements.'*
- 6.29 Policy 4/20 is considered to be consistent with paragraph 205 of Chapter 17 which 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.'* This policy should be afforded full weight in the determination of this application.

The Richmondshire Local Plan Core Strategy 2012-2028

- 6.30 The Richmondshire Local Plan Core Strategy (adopted 2014) has particular relevance in the determination of this application and the policies most relevant include:
- CP1 – Planning positively
  - CP3 – Achieving sustainable development
  - CP12 – Conserving and enhancing environmental and historic assets
- 6.31 Core Policy CP1 *"Planning Positively"* advises that *'When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the plan area'*. Furthermore, stating when there are no relevant policies to the application or policies are out of date the council will grant permission unless material considerations indicate otherwise – taking into account whether:
1. *any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework, taken as a whole; or*
  2. *specific policies in that Framework indicate that development should be restricted"*.

- 6.32 Core Policy CP3 “Achieving Sustainable Development”. It states that sustainable development will be supported if it promotes a range of criteria including inter alia efficient use of land, the health, social wellbeing, amenity and safety of local residents, the quality of natural resources including air, water, land and biodiversity and the protection of the best and most versatile agricultural land. and the character and quality of local landscapes and the countryside.
- 6.33 Both Policies CP1 and CP3 consistent with Chapter 2 of the NPPF Achieving sustainable development particularly Paragraph 11 which deals with the presumption in favour of sustainable development.
- 6.34 Core Policy CP12, in part states that development will be supported which conserves and enhance the significance of the area’s natural and man-made designation or undesignated assets provided that it does not have a detrimental impact on the significance of the asset. Where adverse impacts are unavoidable, mitigation must be provided to address any potential harmful implications of development. Where mitigation measures are not possible compensatory measures will be required. The approach will apply to specific assets including maintaining, enhancing and where appropriate restoring the landscape character of the area to ensure a sustainable future for the natural and historic environment and biodiversity should be maintained, enhanced and where appropriate restored, in support of the Biodiversity Action Plan.
- 6.35 Policy CP12 consistent with paragraph 170 of the NPPF which covers the natural and historic environment and assets their protection and enhancement including minimising impact on and providing net gains for biodiversity.

Other policy considerations:

National Planning Policy

- 6.36 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published February 2019)

National Planning Policy Framework

- 6.37 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied.
- 6.38 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. 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.’***
- 6.39 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 strand reason for restricting the overall scale, type or distribution of development in the plan area; 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’.*

- 6.40 In Chapter 4 Decision making paragraphs 54-57 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*
- 6.41 Paragraph 98 within Chapter 8 (Promoting healthy and safe communities) states that *‘Planning policies and decisions should protect and enhance the 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.’*
- 6.42 Paragraphs 102-110 within Chapter 9 Promoting sustainable transport 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.
- 6.43 Paragraph 109 within Chapter 9 (Promoting sustainable transport) of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.44 Paragraph 127 within Chapter 12 Achieving well-designed places states that *‘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.*
- 6.45 Paragraph 150 within Chapter 14 Meeting the challenge of climate change, flooding and coastal change states *‘New development should be planned for in ways that:*
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaption measures, including through the planning of green infrastructure*
- 6.46 Paragraph 170 within Chapter 15 Conserving and enhancing the natural environment of the NPPF sets out a number of principles for determining planning applications to contribute and enhance the natural and local environment. These include protecting and enhancing valued landscapes, sites of biodiversity value and soils, recognizing the intrinsic character and beauty of the countryside and its benefits, minimizing impacts on and providing net gains for biodiversity, preventing development contributing to, being put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air, water, noise pollution or land instability.
- 6.47 Within paragraph 180 within Chapter 15 decisions should ensure developments are appropriate for their locations taking into account impacts of pollution on health and



the natural environment, as well as the sensitivity of the wider site and cumulative impacts. Developments should mitigate and reduce potential adverse impacts resulting from noise and avoid noise being a significant adverse impact on the health and quality of life in the area, furthermore the paragraph also states the impact of light pollution on local amenity should also be limited and mitigated where necessary.

- 6.48 Within Chapter 17 Facilitating the Sustainable Use of Minerals it states at paragraph 203 that it is ‘*essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long term conservation.*
- 6.49 Furthermore, when determining the application consideration needs to be given to the bullet points in Paragraph 205 relevant to the proposed development, which states “*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 provide for the maintenance of landbanks of non-energy minerals outside National Parks and other protected landscapes; ensure that there are no unacceptable adverse impacts on the natural and historic environment and human health; , ensure that unavoidable noise, dust and emissions and any blasting vibrations are controlled mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties. Proposals should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.

#### 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. 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
  - Natural Environment
  - Noise

#### Minerals

- 6.51 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 (ie extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited;*
  - ‘*working is a temporary use of land, although it often takes place over a long period of time;*
  - ‘*working may have 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*’.
- 6.52 The 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.*’

- 6.53 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’.*
- 6.54 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.
- 6.55 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’.*
- 6.56 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’.*
- 6.57 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.
- 6.58 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

- 6.59 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.
- 6.60 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 has 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’.

#### Noise:

- 6.61 This states how noise needs to be considered when development creates additional noise. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. Local 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.
- 6.62 It also states that “*neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development*”.
- 6.63 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.

## **7.0 Planning considerations**

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

Local amenity (noise, dust)

Landscape and visual impact

Flood risk and drainage

Highways and public rights of way

Ecology

Archaeology

Annual meeting

Principle of the proposed development

- 7.2 The development is to extend an existing quarry to allow the further extraction of sandstone blocks to be sent to the company's processing site at Cadeby near Doncaster. The blocks produced are used as building stone, the quarry is operated on a 'supply and demand' basis when required to replenish stocks at their storage facility at Cadeby. The principle of development has been established at the current application site and to which this application is a lateral extension, however the reserves at the site are almost exhausted and extraction is currently taking place in the final phase of the permitted workings. The current expiry date for extraction under this permission is February 2022. The maximum level of extraction in any one year is no more than 10,000 tonnes. The proposed extension area is 2.7 hectares of agricultural land to the west of the current site area and the sandstone will be extracted at the same rate as the current operations. This will not be full time, but as and when the supply of sandstone blocks needs to be replenished at the company's storage facility, and it will be worked in phases as shown on Phasing Plan 19012/502 attached to this report as Appendix 3. The amount of saleable block stone present in the extension area is estimated to be 45,775 tonnes which will be extracted over a period of 15 to 20 years' dependant on demand
- 7.3 The principle of the proposed development for the extension of Gatherley Moor Quarry is supported by Policies M10, M15 and D01 of the emerging Minerals and Waste Joint Plan (MWJP). Policy M15 provides for the continuity of the supply of building stone and this includes permitting lateral extensions to existing building stone sites, and the proposed development is a lateral extension to an existing quarry. The proposed development accords with Policy M15 as the extension would continue the supply of sandstone to fulfil the current market requirements, it is proposed that approximately 10,000 tonnes per annum of sandstone will be supplied from the extension area as and when it is required.
- 7.4 The proposed extension to the building stone quarry is not allocated in the emerging MWJP therefore Policy M10 is applicable as it is an unallocated extension to an existing quarry. The proposal meets the requirements of Policy M10 as it does not compromise the strategy for the sustainable supply of building stone as set out in Policy M15 and so it is considered that the proposal is consistent with the policies and with NPPF paragraph 203 as minerals can only be worked where they are found.
- 7.5 The proposal complies with Policy D01 which deals with the presumption of sustainable minerals and waste development The Policy states that applications that accord with policies in the plan will be approved without delay. The proposed development accords with Policy D01 as shown in the paragraphs later on in this section. The proposal is considered to be sustainable as the site is an extension to an operational building stone extraction site which has been active for many years. The policy also seeks to secure improvements to a locality's economic and environmental conditions. In economic terms, building stone is a scarce resource and will be used for restoration and repair

projects as well as for new buildings. Once extraction is complete the restoration of the site is intended to create increased biodiversity so improving the environmental conditions as explained in the ecology part of this section starting at paragraph 7.28.

- 7.6 The principle of the proposed development is also supported by 'saved' Policy 4/1 – Determination of planning applications in the Minerals Local Plan 1997 which includes requirements for mineral planning applications, and it is considered that the criteria set out in this policy have been satisfied, including a) which is the investigation of the mineral deposit, d) landscape and screening proposed to mitigate the impact of the proposal e) and f) which deal with restoration and aftercare. It is also supported by policies CP1 – Planning positively and CP3 – Achieving sustainable development in the Richmond Local Plan Core Strategy. The extension of the quarry will contribute to the economy as building stone is a scarce resource, which is used for restoration and repair projects as well as for new buildings so contributes to the economy. The restoration plan will improve the environmental conditions on the site by way of providing different habitats with woodland copse, shrub and grassland planting to encourage greater biodiversity on the proposed site and so improve the environmental conditions, which is detailed in CP1. The proposal is an efficient use of land as it involves the extraction of building stone which is required for building and repair projects, as detailed in CP3 a). The principle is also supported paragraph 11 of the NPPF which promotes sustainable development and ensuring the development accords with the development plan because the proposal is supported by policies in the Richmond Local Plan, the emerging MWJP and the 'saved' policies in the North Yorkshire Minerals Local Plan.
- 7.7 Facilitating the sustainable use of Minerals Chapter 17 of the NPPF paragraph 203 states that minerals can only be worked where they are found and it is essential to maintain a sufficient supply for infrastructure and buildings. Paragraph 205 states that great weight should be given to the benefits of mineral extraction, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites. Gatherley Moor quarry is not worked full time, but as and when building stone supplies need replenishing at the company's storage depot and the extension area will be worked as and when required in the same way and so the principle of development of an extension to the existing site is supported by the Framework.
- 7.8 It is therefore considered that the principle of the proposed development for mineral extraction in this location is acceptable subject to appropriate environmental controls in accordance with the development plan. The proposal accords with 'saved' policy 4/1 of the NYMLP, CP1 and CP3 of the Richmond Local Plan, M10, M15 and D01 of the emerging MWJP and the NPPF.

Local amenity (noise, dust, vibration, land stability)

- 7.9 Gatherley Moor Quarry is located in a rural location very close to the A66 trunk road which is to the south of the quarry. The site has Moor Road bordering it to the east. The quarry is screened from both roads by trees and hedging on the site. Agricultural fields border the quarry to the west and north. The nearest properties are located at least 70 metres away on the other side of the A66, these properties cannot see any of the site due to screening. This will also be the case for the proposed extension area. With the A66 being between the properties and the quarry, traffic noise will be more prominent than any activities at the quarry. Approximately 400 metres to the north of the quarry is located a group of business units and a residential property, there is only agricultural land between the quarry site and these properties and currently no screening is present between these properties and the proposed extension area. Blasting using black powder will occasionally be used to split open existing planes to aid the extraction of the block stone in the proposed extension area, this method is currently used on the extant permission and is controlled by a condition on the extant

permission which states vibration levels shall not exceed a peak particle velocity of 6mm/second at any inhabited building. There have been no complaints or issues in relation to the vibration generated by blasting to date. It is considered necessary to consider the impact of vibration resulting from any blasting taking place and putting mitigation in place to limit the size of the blasts and so control the level of the resulting vibration. The blasting will be controlled by condition 14 which is in section 9.0 of this report. When the block stone is extracted only approximately 15% is removed from site, the remaining 85% is unsuitable to be used as block stone and is used as backfill to fill the void left by the extraction process and form a basis for restoration. This approach has been used successfully on the extant permission area with no issues relating to land instability and so it is considered acceptable to use the same method in the proposed extension area.

- 7.10 In the emerging Minerals and Waste Joint Plan Policy D02 states that minerals development '*will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses*' this includes impacts from noise, dust, vibration and land stability. 'Saved' NYMLP Policy 4/1 and Policy 4/14 states that there should be no unacceptable adverse impacts on the environment or human health. Paragraph 180 of the NPPF states that new development should be appropriate for its location taking into account the likely effects on health, living conditions and the natural environment. Noise should be minimised and mitigated to reduce adverse impacts on health and quality of life. Conditions have been proposed to ensure that any noise, dust or vibration arising from the proposed development is mitigated, these are listed as conditions 11, 12, 13, 14, 15 and 16 in Section 9.0 of this report.
- 7.11 An objection has been received with regard to the potential for noise disturbance, dust and visual impact at nearby properties from the proposed extension. A complaint about noise and dust was raised against the existing site in 2013, this was investigated by the County Council's Monitoring and Enforcement Officer and Richmondshire District Council Environmental Health Officer. Several visits were undertaken and no excessive noise or dust was detected. The complainant was requested to keep a log of any noise or dust incidents and provide this log to Richmondshire District Council so further investigations could take place. No log was provided so the complaint was not pursued due to lack of evidence. A second complaint was received along with an objection to the application in 2019. The complaint was in relation to noise and dust, at the time of the complaint the quarry had not been operational for a number of months and was not expected to be operational in the near future, so assessment of the noise and dust could not be undertaken. A second application for the quarry was submitted at the beginning of 2020 for an extension of time for working the extant permission, no objection to this proposal was received and permission was granted in March 2020 with additional noise conditions to ensure the noise levels at the site were acceptable.
- 7.12 The District EHO is satisfied with the contents of the Noise Assessment which accompanies the application which has demonstrated that there would be no significant adverse impact from noise at the nearest residential properties. They also advise that the dust management procedures detailed in the Supporting Statement are considered sufficient to control dust from the site on an acceptable level and it is considered there will be no significant adverse impact from dust at the nearest residential properties. The District EHO received a complaint in 2013 and was made aware of the objection and complaint received in 2019, following this they recommended including conditions to limit the level of noise generated during the operation of the site.
- 7.13 At the time this application was submitted, the extant permission for the site did not include any conditions relating to noise, apart from in relation to vehicles themselves. A new application was submitted in January 2020 to extend the time limit for extraction for the existing site area. The permission for the January 2020 application was granted

in March 2020 and is due to expire in February 2022, this permission included noise conditions suggested by the District Council EHO. The conditions relating to noise dust and vibration included in the March 2020 permission are considered necessary to minimise the impact of the proposed development, are capable and compliant with the 6 tests, so are included in respect of this proposal and, as such are listed as condition numbers 11, 12, 13, 14, 15 and 16 in Section 9.0 of this report.

- 7.14 Policy D02 in the emerging MWJP, 'saved' Policy 4/14 of the NYMLP and paragraph 180 of the NPPF states that there should be no unacceptable impacts on local amenity. The possible local amenity impacts relating to this proposal are noise, dust, vibration, and land stability the proposal meets these policies by the inclusion of conditions relating to noise dust and blasting to limit the impact on local residential and business properties and that no objection was raised by the EHO.
- 7.15 It is therefore considered that, subject to the imposition of appropriate conditions regarding noise dust and blasting, the proposal is in accordance with the requirements of 'saved' Policy 4/14 and emerging Policy D02 and Paragraph 180 of the NPPF.

#### Landscape and visual impact

- 7.16 The proposed extension area is partially surrounded by hedges and stone walls, which offer a low level of screening, which is not considered sufficient to mitigate the visual impact of the proposed development area. The extant site adjacent to the proposed extension area has established screening of trees and hedges. Following discussions with the County Council's Landscape Architect it was agreed that the type of screening present on the extant site would be extended to the extension area to mitigate the visual impact. The restoration of the extension area would therefore complement the restoration of the existing quarry and would form one large area rather than two separate ones. as demonstrated on the Master Restoration Plan 19012/506 Rev B June 2020 which is included as Appendix 4 at the end of this report. Aftercare of the development site and is detailed in the Restoration and Aftercare Scheme documents.
- 7.17 When considering the revised restoration scheme (19012/506 Rev B), included as Appendix 4 at the end of this report, the Landscape Architect identified that it was not clear that some of the work is required as advanced works to screen the development, but were this to be capable of being resolved by a suitably worded condition, then they would be satisfied. A condition to this effect has been included as number 27 in section 9.0 of this report. An objection to the proposal was received from a resident which included the point that the site was visible from their property and no screening was proposed to lessen the visual impact. Since the objection was received the applicant has suggested mitigation in the form of screening to overcome the objection regarding visual impact a revised restoration plan was submitted which proposed screening between the house and the development site. The Landscape Architect was satisfied with the proposed screening but requested that advanced planting was carried out so that the trees had chance to become established before extraction started. This suggestion was accepted by the applicant and the details are included in Condition 27 in Section 9 of this report. The use of advanced screening is considered acceptable to lessen the visual impact of the proposed site on nearby residences and so it is considered the, with the use of conditions, that the development site will not have an adverse visual impact on nearby residences.
- 7.18 In the emerging Minerals and Waste Joint Plan Policy D06 deals with landscape and section 4) states '*Where proposals may have an adverse impact on the 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.*' .and the proposal accords with this by providing advanced screening of the proposed extension area to mitigate any impact the working on the site may have to the

surrounding landscape area and the visual impact it may have. Policy D10 deals with reclamation and afteruse provides that restoration and afteruse are required to be carried out to a high standard, be suitable for the location, restoration should be progressive and phased, use onsite materials in the best way for reclamation purposes and where there is an agriculture or forestry afteruse a 5-year aftercare period will apply. The proposal accords with Policy D10 of the MWJP as the restoration will be linked to the extant permission area and include the same type of planting, it will be completed progressively and on a phased basis and only onsite materials will be used to facilitate the restoration. 'Saved' Policy 4/20 in the Minerals Local Plan 1997 states that there is an aftercare requirement to bring restored agriculture, forestry or amenity (including nature conservation) land up to a required standard and this will run for a period of 5 years following restoration. The proposal accords with Policy 4/20 of the NYMLP as the restoration proposal is to woodland and grassland with five year aftercare, the aftercare is included in condition 30 in Section 9.0 of this report. Part b) of Core Policy CP12 of the Richmondshire Local Plan Core Strategy 2014 states '*the landscape character of the plan area will be maintained, enhanced and, where appropriate, restored to ensure a sustainable future for the natural and historic environment;*'. Part a) of paragraph 127 of the NPPF 2019 states that developments '*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;*'. The proposal accords with Policy CP12 of the Richmondshire Local Plan and NPPF paragraph 127 as through restoration and aftercare the landscape character of the application area will change from agriculture to a wildlife habitat so providing a high quality sustainable use of the land. Part e) of NPPF paragraph 205 states '*provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.*' The proposal accords with this policy as the restoration proposed is progressive with a five year aftercare period, the restoration and aftercare are covered by conditions 28, 29 and 30 in section 9.0 of this report. The requirements of these policies are supported by the provision of a phasing plan, a restoration masterplan and a detailed restoration and aftercare scheme.

- 7.19 It is considered that the landscape, visual impact, restoration and aftercare matters accord with the policies D06, D10 of the MWJP, 4/20 of the NYMLP, CP12 of the Richmondshire Local Plan and NPPF paragraph 127 and the objection on visual impact grounds has been suitably mitigated by condition so the proposal is considered acceptable in planning terms

#### Flood risk and drainage

- 7.20 The site is not within a flood zone or source protection zone and does not impact on groundwater. The estimated depth of the resource in the proposed development area is between 9 and 12 metres, to protect the water table a proposed condition has been included which makes the maximum depth of excavation to be 15 metres. In the Environment Agency response, they state that the development would only be acceptable if a planning condition was included requiring the adherence to a Construction Method Statement demonstrating how sensitive receptors will be protected during the implementation of the development, this includes the implementation of mitigation measures designed to protect groundwater, the safe storage of fuel and oil in tanks in bunded areas and all refilling of tanks and refuelling to be done within the bunded area. The applicant has measures in place on the active site for the safe storage of fuel and oil in a bunded area and depth of working to be limited to prevent the pollution of groundwater, and these measures will also be proposed for the extension to the quarry and are covered by conditions 17 and 18 in Section 9.0 of this report, the Environment Agency are satisfied that the requirements of the Construction Management Statement have already been met by the measures already in place in the adjoining active site and therefore was no longer required and as a result the condition has not been included.



- 7.21 The emerging Minerals and Waste Joint Plan Policy D09 deals with water environment, it states that no unacceptable impacts from minerals development will be allowed on surface or groundwater. 'Saved' Policy 4/10 in the Minerals Local Plan 1997 deals with water protection and states that proposals for mining will only be permitted where they would not have an unacceptable impact on surface and ground water. The applicant states that they will extract the building stone down to a maximum level of between 5 and 12 metres, to ensure that the water table is not affected by the excavation a condition limiting the depth of excavation to 15 metres. The conditions in place to prevent any impact on groundwater or the water table and to prevent pollution are listed as numbers 18 and 19 in Section 9.0 of this report.
- 7.22 Climate change needs to be considered for any proposal, paragraph 150 of the NPPF states that new development should be planned for to avoid increased vulnerability to a range of impacts from climate change. This proposal is an extension to an established building stone site. The activities on site will have a low impact in terms of climate change as once the building stone has been extracted no further work is done on it and it is transported to another site for processing. In terms of transport no more than 15 HGVs will access and leave the site in a week, which is controlled by condition 8 in section 9.0 of this report, and they have direct access to the trunk road network so the level of emissions generated will be kept to a minimum. Given the elevation of the proposed development site the impact of climate change on the site itself will be minimal.
- 7.23 The proposal accords with local policies D09 of the MWJP and 'saved' policy 4/10 of the NYMLP as discussed in paragraph 7.21 and it is considered that the proposed development complies with these policies. Conditions 17, 18 and 19 relating to storage of fuel, depth of excavation and protection of groundwater respectively, are proposed within the list of conditions within Section 9.0 and are considered necessary mitigation to ensure that the groundwater is protected and pollution does not occur. These conditions are consistent with conditions imposed on previous permissions for Gatherley Moor Quarry.

#### Highways and Public Rights of Way

- 7.24 The relevant policies to be considered in relation to highways and public rights of way are Policy D03 in the emerging MWJP, 'saved' policies 4/13 and 4/15 in the NYMLP and paragraph 109 in the NPPF. There exists only one access route into and out of the site, which links onto Moor Road. The site is next to the A66 trunk road on its southern boundary and this is the route the HGV's take once they leave the site. Both Highways England and the Local Highway Authority were consulted. The Local Highway Authority had no objection but would like to ensure that the previous condition relating to the number of HGVs entering and leaving the site will apply and that the wheels of the vehicles will be clean when leaving the site. Highways England had no objection but recommended that a condition be included to ensure the vehicles leaving the site were in a clean condition before joining the Strategic Road Network. The site access from Moor Road is made up of compacted crushed rock providing a firm base for vehicles to travel along. The access road to the proposed site has been in use throughout the operation of the extant permission area, and runs the full length of the existing site before reaching the proposed development area. There have been no issues raised over the life of the extant permission in relation to mud on the tyres or the highway and so it is not required necessary to have a wheel washing facility on site at the present time. In mitigation a proposed condition has been included so that if it is deemed necessary wheel cleaning facilities will be provided. The conditions relating to these points are included as numbers 7, 8 and 9 in Section 9.0 of this report. Condition 9 relates to keeping a record of HGV movements to the site, on previous permissions the condition was to retain the written records for the duration of the development, which in this case could be up to 20 years, this length of time is considered unreasonable and so it is to be reduced down to 2 years on a rolling basis.

The Planning Authority has a site monitoring regime where each site should have a visit at least once a year to check progress at the site and that conditions are being adhered to, the HGV movement records will be checked as part of this regime so there is no requirement to keep the records for the duration of the development.

- 7.25 There is a Public Right of Way in the form of a bridleway, ref 20.33/29/1, which runs just outside part of the eastern and southern boundary of the site, it is over 130 metres from the nearest point. The development does not impact on the bridleway as it is outside the site boundary and the site is screened by trees and hedgerow. The Public Rights of Way Team were consulted and they had no objection to the proposal as the Public Right of Way is unlikely to be affected by this application. 'Saved' Policy 4/15 states mineral operations should not adversely affect public rights of way, there is no conflict with this policy because of the distance of the public rights of way from the proposed development area.
- 7.26 The emerging Minerals and Waste Joint Plan Policy D03 deals with the transport of minerals and associated impacts. The Policy states that where road transport is used there should be capacity on the highway network, there should be no unacceptable impact on local amenity, local business or users of the public rights of way network. 'Saved' Policy 4/13 in the Minerals Local Plan 1997 states that where road transport is used the level of vehicle movements should be able to be accommodated on the highway network and would not cause undue disturbance to the local communities. The vehicle movements from the site when it is operational would not be more than 15 HGV's per week, travelling directly onto the adjacent trunk road. This is considered to be compliant with policy as the Local Highway Authority, Highways England and the County Council Public Rights of Way Team have stated that they consider the proposed development acceptable and that it will not have an unacceptable impact on the road network or adjacent bridleway. Paragraph 109 of the NPPF 2019 states that development should only be refused on highways grounds if impacts on the road network would be severe, responses received indicate that the impact on the road network from this proposal is acceptable.
- 7.27 The proposed development complies with local policies, emerging MWJP Policy D03 and NYMLP 'saved' Policy 4/13 and national policy contained in the NPPF, and does not conflict with NYMLP 'saved' Policy 4/15 therefore, in planning terms, the proposal is considered acceptable in terms of impact on highways and public rights of way.

#### Ecology

- 7.28 The 2.7 hectare site is currently an agricultural field with a hedge and dry stone wall along part of the boundary. An ecological survey was undertaken by the applicant which indicated that the site is of low ecological value and the site is remote from any statutory and non-statutory nature conservation sites and other designations. The Restoration Plan shows an enhancement in biodiversity on the site. This includes the planting of a new hedge approximately 140 metres long along the southern boundary, a row of deciduous trees approximately 130 metres long along the northern boundary and the repair of the hedge along the western boundary which is approximately 190 metres long. The 2.7 hectare site is to be restored to trees and grassland. The County Council's Ecology Team supported the findings of the ecological survey and the aim of the Restoration Plan but sought further details. They stated that the condition suggested in section 7.7 of the Ecological Impact Assessment Report submitted by the applicant, which refers to the protection of nesting birds, be included. The Ecology Team also advise a walkover survey to check for mobile species such as badgers prior to the commencement of development. The proposed development is in a rural location adjacent to the extant permission site to the east, which is partially restored to woodland and grassland, the site has agricultural fields to the north and west. There is potential for badgers to be in the area and the conditions are suitable for birds to nest during breeding season. To check for the potential presence of badgers and mitigation

to allow birds to breed conditions have been proposed and are considered capable and compliant and are included as numbers 31 and 32 in Section 9.0 of this report.

- 7.29 The proposal was screened in 2016 and the conclusion was that the proposed site was not considered Environmental Impact Assessment (EIA) development and so did not require an Environmental Statement and the screening was carried out under the 2011 EIA regulations, new EIA regulations came into force in 2017, after the screening had been completed. Under the 2011 regulations the development is Schedule 2 and subject to the EIA regulations, the screening adopted in 2016 is subject to the transitional provisions in the 2017 regulations, specifically regulation 76(3) which provides that (only) parts 1 and 2 of the 2011 regulations continue to apply to screening opinions adopted before the 2017 regulations came into force on 16<sup>th</sup> May 2017. Since the issue of the screening opinion in 2016 there have been no changes to the designations in the locality of the site and no new development which would have a cumulative effect on the proposed development so the conclusion in the 2016 screening opinion is still applicable. Habitat Regulations would not be triggered given the distance of the site from the required designations.
- 7.30 In the emerging Minerals and Waste Joint Plan Policy D10 deals with restoration and afteruse Part 2) viii) promotes the delivery of net gains for biodiversity and the proposal meets this by restoring the site with tree, shrub and hedge planting which will increase the biodiversity of the site as detailed in the Restoration Master Plan (19012/506 Rev B), and Restoration and Aftercare scheme. 'Saved' Policy 4/14 in the Minerals Local Plan states that mining operations will only be allowed where there would not be an unacceptable impact on the local environment, the proposal meets this as there will an increase in biodiversity through restoration and the County Council Ecologist considered the proposal acceptable. The Richmondshire Local Plan Core Strategy Policy CP12 states that development will be supported where they conserve or enhance the significance of the plan area's natural and man-made designation or undesignated assets and the proposal meets this by enhancing the biodiversity of the proposed site through restoration, so enhancing the environmental value of the site. Paragraph 170 of the NPPF supports the approach that development should minimise impact on or provide net gains for biodiversity. The restoration proposal for the site is to move from agricultural land to the provision of woodland with grassland in the main area of the site along with improved hedgerows at the boundary of the site area. The site is to be worked and restored in phases so the biodiversity value will increase over time.
- 7.31 The development proposes to increase the ecological value of the site through restoration to woodland and grassland. This approach is supported by local policy D10 of the MWJP, 'saved' Policy 4/14 of Minerals Local Plan, Policy CP12 of Richmondshire Local Plan Core Strategy and the NPPF and so the proposal is considered to comply with these policy requirements and is therefore considered acceptable in land use planning terms.

#### Archaeology

- 7.32 There are no historic designations associated with the site, the nearest Scheduled Ancient Monument is 250 metres to the east of the proposed development and the nearest listed building 200 metres to the south east. Gatherley Moor Quarry site has been the subject of previous archaeological work to record cropmark features of the later prehistoric and Roman periods, so it is possible during the working of the proposed development area there may be some archaeological finds. The applicant has proposed carrying out a watching brief during the soil stripping process. It would be beneficial for these finds to be compiled and archived. Condition 26 in Section 9.0 of this report is proposed to ensure that this occurs.

#### Annual Meeting

7.33 Under The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as varied by The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits (England) (Amendment) Regulations 2017 ('the Fees Regulations') there is a requirement for Mineral Planning Authorities to undertake site visits on mining sites. The role of the visit is to monitor the activity on site to ensure that planning conditions relating to the site are being met and there are no breaches which may require enforcement action. Progress in relation to working, landscaping, restoration and aftercare shall also be assessed. To ensure this role is undertaken a proposed condition has been included for an annual meeting to take place, it is condition 35 in Section 9.0 of this report.

## 8.0 Conclusion

8.1 There are no material planning considerations to warrant the refusal of this application for the 2.7 ha extension to Gatherley Moor Quarry for the extraction of block sandstone.

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 reason(s):

- i) The principle of the development is to extend an established quarry;
- ii) The proposal would have no impact upon the local amenity, highway or environmental quality;
- iii) The proposal is compliant with 'saved' policies of Minerals Local Plan 1997, Richmondshire Local Plan Core Strategy 2014, Emerging Minerals and Waste Joint Plan, NPPF (2019) and PPG guidance.

it is recommended that **PLANNING PERMISSION BE GRANTED** for the purposes of the 2.7 ha extension to Gatherley Moor Quarry for the extraction of block sandstone on land at Gatherley Moor Quarry, Moor Road, Gilling West subject to the conditions below:

### 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.*

## DURATION OF DEVELOPMENT

2. The permission hereby granted authorises the extraction of mineral only until 31 July 2040. The development hereby permitted must be discontinued and all plant and machinery associated with the development must be removed from the site before that date and the site must be restored in accordance with the Restoration Masterplan Ref: 19012/506 Rev B and Restoration and Aftercare Scheme approved under condition 2 before that date.

*Reason: To ensure restoration of the land within the minimum of delay in the interests of amenity.*

#### DEFINITION OF DEVELOPMENT

3. The development hereby permitted shall be carried out in accordance with the application details dated 26 October 2019 and the following approved documents and drawings:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
No Ref.	February 2019	Supporting Statement
Report Number 3245	February 2019	Archaeological Desk Based Assessment
No Ref.	February 2019	Preliminary Ecological Appraisal
No Ref.	February 2019	Landscape and Visual Impact Assessment
No Ref.	June 2020	Restoration and Aftercare Scheme
No Ref.	February 2019	Noise Survey and Assessment
Project 1582	February 2019	Transport Assessment
19012/500	June 2019	Location Plan
19012/501	February 2019	Existing Site Plan
19012/502	February 2019	Phasing Plan
19012/503	February 2019	Geological Plan
19012/504	February 2019	Geological Cross Section
19012/505	February 2019	General Vertical Section
19012/506 Rev B	June 2020	Restoration Masterplan including Proposed Extension Area
19012/600	September 2019	Visual Long Sections

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

4. No rock or aggregate shall be imported into the site for stockpiling, processing or any other purpose.

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

#### ACCESS

5. The access road from the site to the public highway shall be kept clean and maintained in a good standard of repair, free of potholes for the life of the operations. Visibility splays shall be maintained and kept clear of any obstruction and retained for their intended purpose for the duration of this permission.

*Reason: In the interests of highway safety and safeguarding the local environment.*

6. Access to the site shall be via the proposed access and no other access shall be used.

*Reason: In the interests of highway safety and amenity.*

#### TRAFFIC

7. Provision within the site for the parking, turning, loading and unloading of vehicles visiting the site shall be maintained and shall provide satisfactory accommodation for the vehicles of staff and visitors.

*Reason: In the interests of highway safety.*

8. No more than 15 HGVs per week, measured from Monday to Saturday inclusive and to include both unloaded and unloaded vehicles shall exit the site.

*Reason: In the interests of highway safety.*

9. A written record of the weekly HGV movements associated with operations at the site shall be maintained at the for a period of 2 years on a rolling basis and such records shall be kept and made available to the County Planning Authority on request.

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

#### HOURS OF OPERATION

10. Except with the prior written approval of the County Planning Authority no quarrying or associated operations including transport of mineral from the site shall take place except between the following times: 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday and no quarrying or associated operations including transport of mineral from the site shall 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 highway safety and amenity.*

#### NOISE

11. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment which shall be regularly maintained. Where earthmoving plant is operating in proximity to residential properties, non-audible reverse warning alarm systems shall be deployed.

*Reason: In the interests of amenity.*

12. During the hours of 0800 and 1800, the equivalent continuous noise level (LAeq, one hour) due to operations at the quarry shall not exceed the background noise level (LA90) by more than 10 dB(A) at any noise sensitive property.

*Reason: In the interests of amenity.*

13. For essential site preparation activities such as movement of soil from storage bunds to restoration site a temporary daytime noise limit of 70 dB(A) Leq, 1h for up to 8 weeks in a year at any noise sensitive property.

*Reason: In the interests of amenity.*

#### BLASTING

14. No blasting shall take place at the site except for the use of "blackpowder" explosives for the purpose of splitting stone blocks and in any event such operations shall be designed and executed such that resultant ground vibration levels shall not exceed a peak particle velocity of 6mm/second at any inhabited building.

*Reason: In the interests of amenity.*

#### DUST

15. Dust control measures shall be employed to minimise the emission of dust from the site. Such measures shall include the spraying of roadways, stockpiles and working areas and discontinuance of soil movements during periods of high winds.

*Reason: In the interests of amenity.*

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

*Reason: In the interests of amenity.*

#### FUEL AND OIL STORAGE

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

*Reason: To prevent pollution.*

#### POLLUTION AND GROUNDWATER

18. There shall be no quarrying or other excavation below a level of 15 metres below original ground level. Should the applicant wish to go deeper then a fresh application would be necessary and open to scrutiny.

*Reason: In the interests of amenity and to ensure a high standard of restoration the site.*

19. In the event of groundwater being encountered in the excavations hereby permitted and if required by the County Planning Authority details of measures to be taken to manage and/or dispose of the groundwater shall be submitted for the written approval of the County Planning Authority and any measures so agreed shall thereafter be implemented to the satisfaction of the County Planning Authority.

*Reason: To safeguard the groundwater environment and to ensure the satisfactory restoration of the site.*

#### VEHICLE CLEANING FACILITIES

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

*Reason: In the interests of highway safety and safeguarding the local environment.*

#### MISCELLANEOUS

21. No cutting, sawing or shaping of stone blocks shall take place at the site.

*Reason: In the interests of amenity.*

#### SOIL TREATMENT

22. The stripping, movement, replacement or cultivation of topsoil and subsoil shall only be carried out when the soils are sufficiently dry and friable to avoid soil smearing and compaction.

*Reason: To safeguard the topsoil and subsoil resources in the interests of achieving a high standard of restoration of the site.*

23. No topsoil or subsoil shall be removed from the site.

*Reason: To safeguard the topsoil and subsoil resources in the interests of achieving a high standard of restoration of the site.*

24. During soil movement and handling operations, machinery shall be routed to avoid the compaction of soils.

*Reason: To safeguard the topsoil and subsoil resources in the interests of achieving a high standard of restoration of the site.*

25. Prior to the removal of any overburden or the extraction of mineral from any part of the land which is the subject of this permission all available topsoil and subsoil shall be stripped and, when immediate placement is not possible, shall be stacked separately from each other for future spreading.

*Reason: To ensure satisfactory restoration.*

#### ARCHAEOLOGY

26. During the process of soil stripping a watching brief is to be carried out to identify any archaeological finds. Prior to the completion of the mineral extraction hereby permitted, the information and finds obtained from archaeological work in all phases of extraction shall be compiled, archived, and where appropriate, published in accordance with a scheme of post excavation works submitted to and approved in writing by the County Planning Authority.

*Reason: The site is of potential archaeological importance and should be protected.*

#### LANDSCAPING AND RESTORATION

27. Prior to the commencement of the development advanced boundary works to screen the development including:
- Extension of screen planting to northern boundary;
  - Repair of dry stone wall;
  - Fence to be maintained to southern boundary and new fencing provided where absent;
  - New hedgerow planting; and



- Repair to existing hedgerow.  
to be implemented as shown on Restoration Masterplan 19012/506 Rev B dated June 2020.

*Reason: To protect the amenity of the area.*

28. Within 12 months of the completion of the mineral extraction hereby permitted the whole of the site shall be restored in accordance with the application details and Restoration Masterplan 19012/506 Rev B dated June 2020.

*Reason: To ensure restoration is undertaken as soon as practicable in the interests of amenity.*

29. The progressive restoration of the development hereby approved, must be carried out in accordance with the Restoration and Aftercare Scheme (June 2020) and accompanying Restoration Masterplan ref. 19012/506 Rev B (June 2020).

*Reason: To ensure an orderly and progressive pattern of restoration of the site.*

30. The aftercare of the development hereby approved, must be carried out in accordance with the Restoration and Aftercare Scheme dated June 2020. The aftercare scheme includes details of the protection, maintenance and replacement of failed planting under the scheme referred to in Condition 28 and 29 above for a period of five years from the completion of restoration.

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

#### ECOLOGY

31. Prior to the commencement of excavation work, the Applicant is required to undertake a walk-over of the site to check for badger activity.

*Reason: This is a pre-commencement condition and considered warranted given the particular circumstance in the absence of the requisite information accompanying the application and imposed in the interests of protecting wildlife and their habitats.*

32. The removal of trees, shrubs and surface vegetation to be completed outside bird breeding season, (March to September inclusive), in order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981. Where this is not possible a suitably qualified and experienced ecologist should complete survey of the site immediately prior to commencement of proposed works to search for nesting birds and to advise on exclusion zones or timing of works if nesting birds are recorded.

*Reason: To protect the ecological and wildlife interests of the area.*

#### ABANDONMENT

33. In the event of mineral extraction ceasing on the site for a period in excess of 18 months before the completion of the development hereby permitted, a revised scheme of restoration and landscaping shall be submitted to the County Planning Authority for written approval within 12 months of the cessation. The approved scheme shall be implemented in accordance with a programme to be included in that scheme.

*Reason: To ensure restoration is undertaken as soon as practicable in the interests of amenity.*

#### BUILDING AND STRUCTURES

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking or re-enacting that Order), no plant or buildings shall be erected on the site, except as provided for in the development hereby permitted.

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

#### ANNUAL MEETING

35. Every 12 months from the date of this permission or at such other times as may be agreed in writing with the County Planning Authority, a review of the previous year's landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from the schemes approved under Conditions 28, 29, 30, 31, and 32 above and a revised scheme shall be submitted to the County Planning Authority for approval providing for the taking of such steps as may be necessary to continue the satisfactory landscaping, working, restoration and aftercare of the site including the replacement of any tree or shrub which may have died, been removed or become seriously damaged or diseased. Thereafter all such works shall be carried out in accordance with the approved schemes.

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

#### RECORD OF PLANNING PERMISSION

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

*Reason: To ensure that site personnel are aware of the terms of the planning permission*

#### Informative:

1. Coal Authority standing advice - DEVELOPMENT LOW RISK AREA  
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority) . Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

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

*In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy*

*Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.*

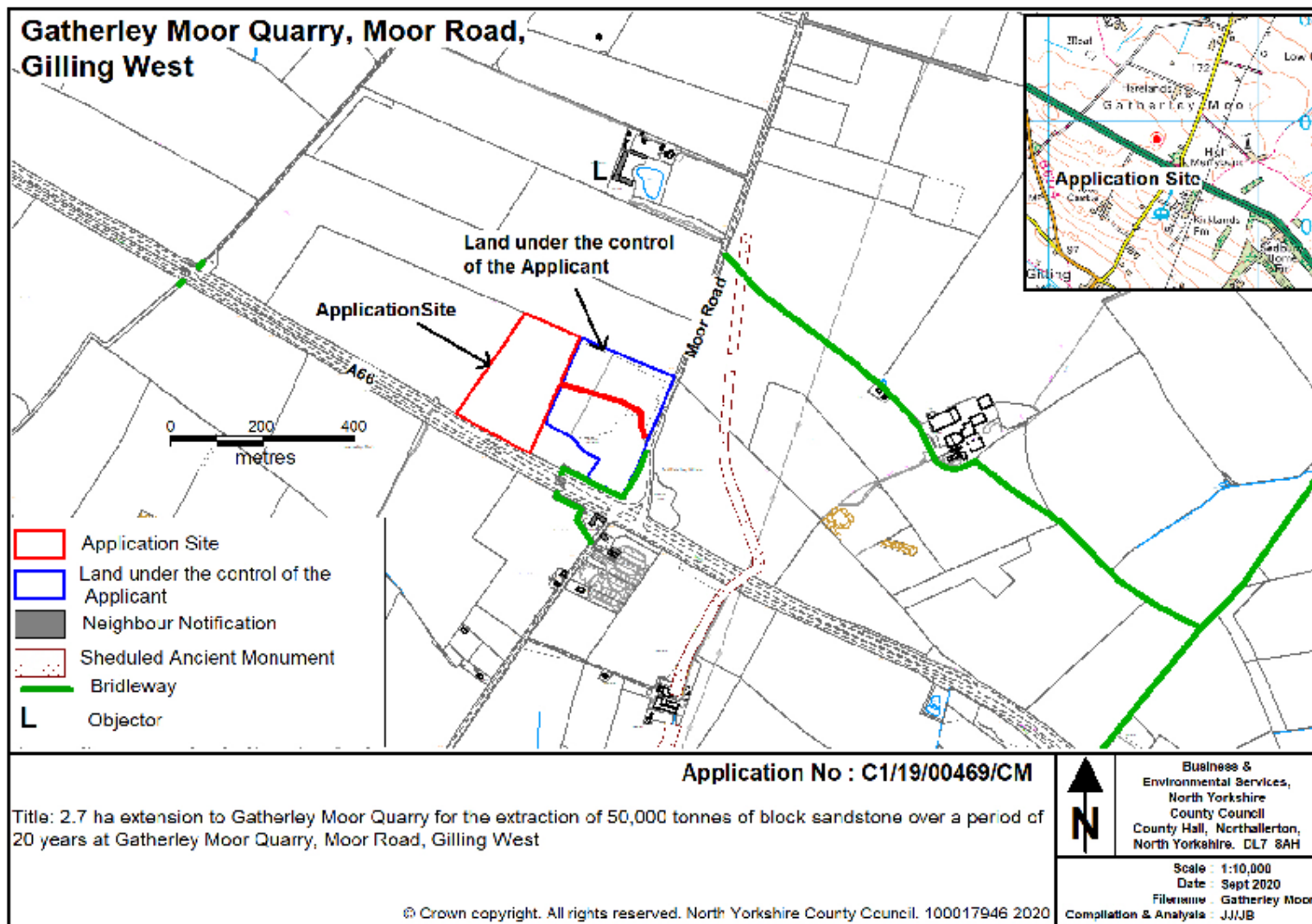
D BOWE  
Corporate Director, Business and Environmental Services  
Growth, Planning and Trading Standards

Background Documents to this Report:

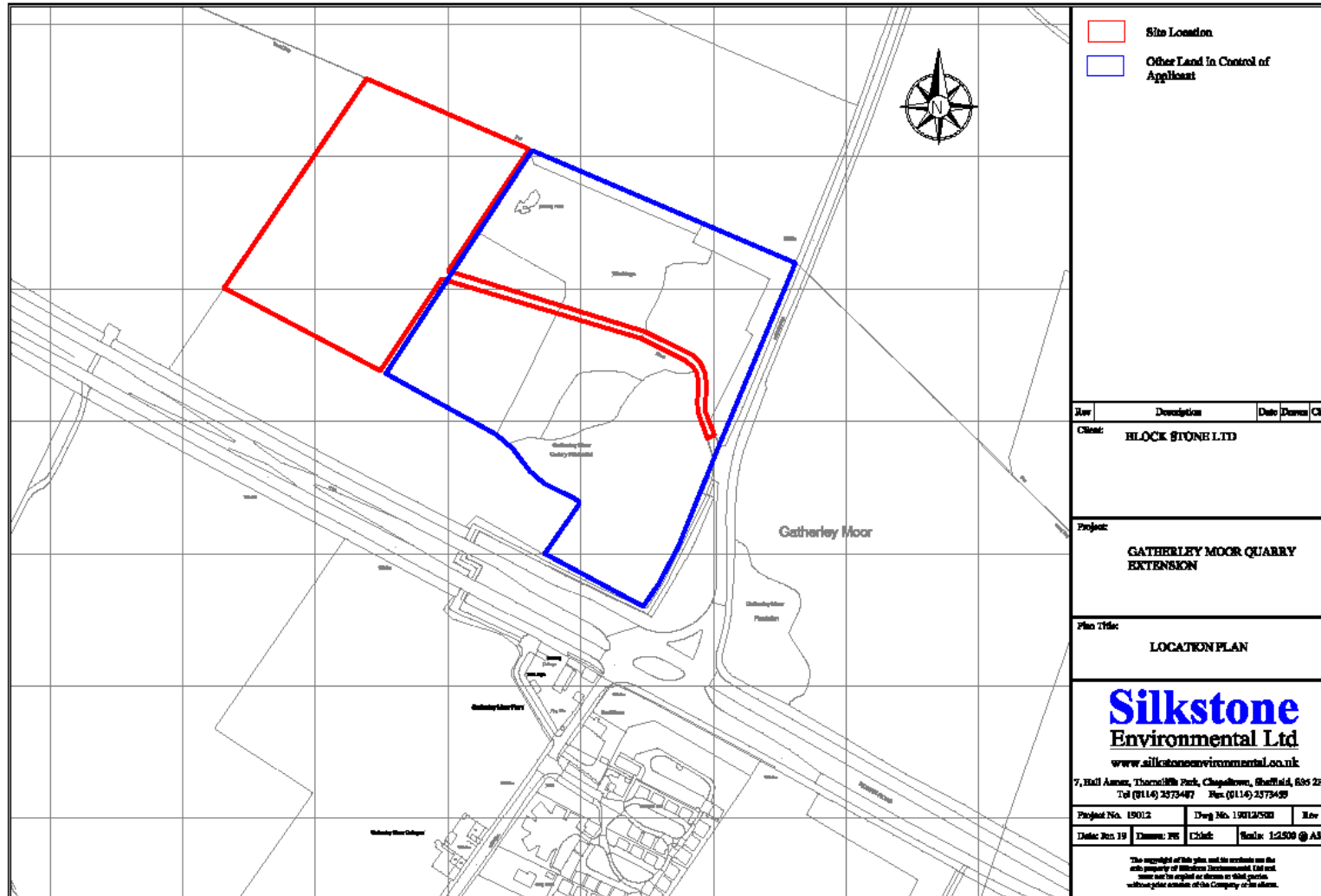
1. Planning Application Ref Number: C1/19/00469/CM. No (NY/2019/0109/FUL) registered as valid on 8 July 2019. Application documents can be found on the County Council's Online Planning Register by using the following web link:  
<https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Joan Jackson

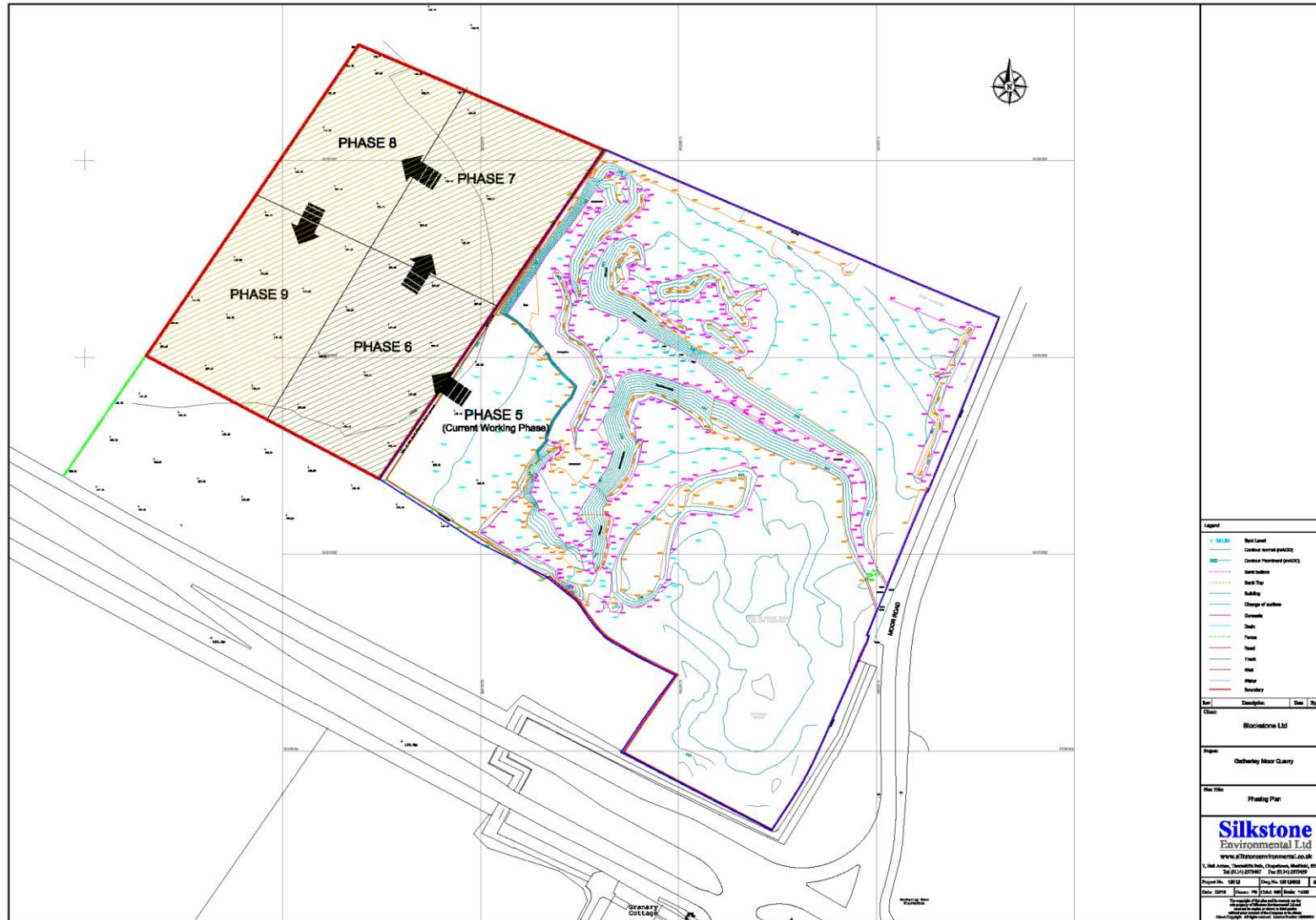
Appendix 1 – Constraints map with neighbourhood consultees identified.



Appendix 2 – Location Plan



Appendix 3 – Phasing Plan



Appendix 4 – Restoration Masterplan

