



## Agenda

Notice of a public meeting of

### Planning and Regulatory Functions Committee

**To:** Councillors Peter Sowray MBE (Chairman), David Blades (Vice-Chair), Caroline Goodrick, Eric Broadbent, Robert Heseltine, David Hugill, Mike Jordan, John McCartney, Zoe Metcalfe, Clive Pearson and Chris Pearson.

**Date:** Tuesday, 8th June, 2021

**Time:** 10.00 am

**Venue:** Remote Meeting via Microsoft Teams

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee. Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed by full Council at its July meeting.

The meeting will be available to view once the meeting commences, via the following link - [www.northyorks.gov.uk/livemeetings](http://www.northyorks.gov.uk/livemeetings) Recordings of previous live broadcast meetings are also available there.

#### Business

1. **Welcome, introductions and apologies**
2. **Minutes of the Meeting held on 18 May 2021** (Pages 3 - 32)
3. **Declarations of Interest**
4. **Public Questions or Statements**  
Members of the public may ask questions or make statements at this meeting if they have given notice of their question/statement to Stephen Loach of Democratic Services

Enquiries relating to this agenda please contact Stephen Loach Tel: 01609 532216

or e-mail [stephen.loach@northyorks.gov.uk](mailto:stephen.loach@northyorks.gov.uk)

Website: [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

(*contact details below*) by midday on Thursday 3 June 2021. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

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

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

5. **C1/21/00022/CM - planning application for the purposes of the erection of an aggregate bagging plant including a bagging building and bulk bagging plant, ticket office, welfare building, creation of hard standing, sewage treatment plant and site levelling works on land at Killerby Quarry, Low Street, North Yorkshire, DL10 7PY on behalf of Tarmac Trading Ltd.** (Pages 33 - 92)
6. **Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances**

Barry Khan  
Assistant Chief Executive  
(Legal and Democratic Services)

County Hall  
Northallerton

28 May 2021

## North Yorkshire County Council

### Planning and Regulatory Functions Committee

Minutes of the meeting held remotely via Microsoft Teams on 18 May 2021 at 10.00 am.

#### Present:-

County Councillors Peter Sowray (Chairman), David Blades, Caroline Goodrick, David Hugill, Mike Jordan, John McCartney, Zoe Metcalfe, Chris Pearson and Clive Pearson

Apologies were submitted by County Councillors Eric Broadbent and Robert Heseltine.

Ten Members of the public were in attendance.

The meeting was available to watch live via the County Council's website and a recording of the meeting is now available on the website via the following link [www.northyorks.gov.uk/livemeetings](http://www.northyorks.gov.uk/livemeetings)

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

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#### 214 Welcome and Introductions

The Chairman welcomed everyone to the meeting and those present introduced themselves.

The Chairman explained that the meeting would be held using video conferencing with a live broadcast to the Council's YouTube site. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had lapsed on 7 May 2021 and any formal decisions that the Committee made that were legally binding would be made in consultation with the Chief Executive Officer using his emergency delegated powers, taking into account the recommendations of the Committee.

#### 215. Minutes of the meeting held on 29 April 2021

##### Resolved -

That the Minutes of the meeting held on 29 April 2021, having been printed and circulated, be taken as read and confirmed, to be signed by the Chairman as a correct record at the next available opportunity.

#### 216. Declarations of Interest

There were no declarations of interest.

#### 217. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, other than those that had indicated that they wished to speak in relation to the application below, there were no questions or statements from members of the public.

**218. NY/2019/0002/ENV (C8/2019/0253/CPO) - planning application for a 9.7 hectare quarry extension (Area 8) extending east from the current working (Area 7), with associated screening bunds and landscaping for the extraction of 4.9 million tonnes of Magnesian limestone over a period of eight years; and the progressive low level restoration of the worked out area of the quarry to grassland and planting using quarry limestone fines and reclaimed inert waste materials from the waste recycling facility located within the existing quarry - Land at Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby**

Considered -

The report of the Corporate Director, Business and Environmental Services requesting Members to determine a planning application for a 9.7 hectare quarry extension (Area 8) extending east from the current working (Area 7), with associated screening bunds and landscaping for the extraction of 4.9 million tonnes of Magnesian limestone over a period of eight years; and the progressive low level restoration of the worked out area of the quarry to grassland and planting using quarry limestone fines and reclaimed inert waste materials from the waste recycling facility located within the existing quarry - Land at Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby.

A combined total of 244 representations had been received from individuals objecting to the application as initially submitted, amended and by making further representations, principally because of the:

- adverse impact of the proposal on the landscape;
- impact on the Green Belt;
- visual impact on the surrounding area;
- damage to the historic character of Wentbridge and Kirk Smeaton;
- loss of agricultural land;
- impact of the Brockadale Nature Reserve and Site of Special Scientific Interest;
- impact on the amenities of the area from noise, dust and vibration;
- impact of HGVs using Wentedge Road;
- cumulative impact of quarries in the area;
- there being a sufficient landbank for aggregate and failure of the current quarry operator to abide by planning conditions to the current planning permissions to the site.

Objections had also been received from Natural England; Kirk Smeaton Parish Council; Yorkshire Wildlife Trust; Brockadale Nature Reserve Supporters Group, Plantlife, Darrington Parish Council and Wakefield Badger Group.

Prior to the presentation of public statements the Planning Officer informed the Chairman that there had been a request from Kirk Smeaton Parish Council for a further site visit following that which had previously been carried out on 4 February 2020. The Chairman asked that Members give consideration to that matter before full consideration of the report and statements was given. The Planning Officer stated that there had been no

material changes since the Committee's previous visit and that his presentation to the Committee would provide further context to the application and the surrounding area.

**Resolved –**

That the request for a further site visit be declined.

Paul Simmons representing himself and the Friends of Brockadale/ Brockadale Supporters group presented the following statements:-

"I am Dr Paul Simmons. My wife Joyce and I have been residents of Kirk Smeaton for 44 years and members of the Brockadale Nature Reserve Supporters Group for over 40 years. We are biologists and naturalists and wish to speak on behalf of the people who enjoy the Brockadale Nature Reserve for its natural beauty and its wildlife.

Brockadale became one of the Yorkshire Naturalists Trust's first reserves in 1966. We became involved in the late 1970s as members of the Brockadale Management Committee, which has become the Friends of Brockadale group. We regularly carry out practical conservation work, do species monitoring (especially plants, butterflies, moths and birds), lead walks for visitors, etc. We also hold wildlife records going back to the 1860s which show the continuity of the special wildlife communities living in Brockadale.

Brockadale nature reserve is a Site of Special Scientific Interest but it is a small island in a sea of agri-business.

Our fear is that quarrying will cause damage to plant growth, and changes to the hydrology of the area. The removal of the rock will remove a huge water supply to one of our ancient woodlands and so will damage tree and plant growth. A coating of fine limestone dust will reduce photosynthesis, and could make leaves unpalatable to herbivorous insects, many of which are scarce locally and nationally. Even after quarrying ceases any plant or animal species affected would not be able to naturally recolonise Brockadale from elsewhere as there is no near reservoir of our unusual species and certainly nowhere which replicates the unique nature of this reserve.

Brockadale and the Went Valley have been known as a special place for wildlife since Victorian times. In his 1842 book 'An Account of Askern and its Mineral Springs' Edwin Lankester commented that the valley "exhibits a variety of scenery which few spots in this part of Yorkshire can afford". He also noted that "the elegant Pasque flower Anemone Pulsatilla grows in profusion." Sadly though, this plant was destroyed by the first Went Edge quarry to be opened up and now only occurs in Yorkshire as a single plant at just one site. We fervently hope that we can prevent the loss of any other plants or animals due to quarrying."

"Because of its uniqueness, groups of Naturalists have visited the area from the mid 1800s onwards. Now Brockadale is used by academic researchers on a regular basis. Local universities such as York and Leeds bring groups of students to learn identification techniques, York and East Anglia universities have had teams studying the effects of climate change on butterflies and other organisms. Researchers from Uppsala University in Sweden used Brockadale as one of their study areas in an international study of the variation in Betony, one of our unusual plants.

The local community also makes regular use of the valley – the village school uses it for Environmental education and for 'Forest School' sessions. The church has an annual

Easter Monday walk here during which they reflect on the beauty of Creation.

In a single year tens of thousands of visitors come to experience the beauty and tranquillity of this special place. They come for the scenery and colourful displays of wild flowers and butterflies, as well as for exercise. The current activities of the quarry and industrial estate disturb the peace of the area. If quarrying activities are allowed to come close to the margin of the reserve, the noise and dust will disturb visitors and wildlife, especially affecting the long-established badger sett on the boundary between the adjacent ancient woodland and the area under consideration.

Individuals and groups of naturalists (eg the Yorkshire Naturalists' Union, Bradford Botany Group, Hull and East Riding Naturalists) also visit the reserve because of its special species – there are 12 plants which are considered locally endangered. In the 2 ancient meadows closest to the proposed extension there are more than 110 species of flowering plants, and no less than 24 of these have been identified by Sir Alastair Fitter FRS as being in sharp decline in Yorkshire. These vulnerable plants are in need of particular protection, not of being put at further risk. Brockdale has several rare insects, a snail which is found in only 2 other sites in the UK, and a spider for which this is the only known site in the north-east of England. These rare and special species risk being adversely affected by the damage to trees and plants, as well as by noise and dust caused by quarrying. We fervently hope that this small and unique oasis will not become a victim of unnecessary mineral exploitation.

Our group strongly opposes the quarry extension application.

Cllr Tony Lenc representing himself and Norman Gundill Llb presented the following statements:-

"I think it is very important that the PRFC recognise there is no demonstrable demand for this stone.

The Officer's Report says from information contained in the new emerging plan that 18 million tonnes of magnesian limestone is required over the plan period 1 January 2016 to 31 December 2030 at 1.2 million tonnes per annum. The O.R then says an additional requirement of 12 million tonnes will be required to ensure a 10-year Landbank at 31 December 2030 resulting in a total requirement of 30 million tonnes. The O.R says permitted reserves of 11.1 million tonnes exist at 1 January 2016 leaving a shortfall of 18.9 million tonnes up to 31 December 2030.

Under policy MO9 of the emerging plan sites allocated during the plan period include:

- Land at Jackdaw Quarry - 3 million tonnes
- Land at Barnsdale Quarry - 2 million tonnes
- Land at Wentedge Quarry - 2 million tonnes
- Land at Gebdykes Quarry - 3.8 million tonnes
- Land at Potgate Quarry - 3.7 million tonnes.

The O.R says the stone from Wentedge Quarry (which turned out to be 4.4 million and not 2 million tonnes) has been worked out. It says the land at Barnsdale Bar was included in a further allocation for the extraction of 7 million tonnes up to 2040. It therefore concludes that the volume of reserves 14.5 million tonnes has been reduced by 4.4 million tonnes from Wentedge Quarry and given that reserves are being worked at Barnsdale Bar and because the planning permission at Jackdaw Quarry will be worked out in the next 7 years there is a need to release further reserves to maintain the 10 year



Landbank.

This argument is illogical. The requirement is for 18 million tonnes of magnesian limestone over the plan period up to 31 December 2030, so it does not matter when the stone is extracted. It only matters if there has been a significant increase in sales resulting in additional stone being required over the plan period. It is assumed that the requirement for magnesian limestone over the plan period may actually reduce due to the Country having been shut down during the pandemic. The demand for magnesian limestone during the plan period as already been revised from 22.5 million tonnes to 18 million tonnes.

The additional reserves allocated at Barnsdale Bar and Wentedge Quarry will result in 23.9 million tonnes of magnesian limestone over the plan period to meet the projected 18.9 million tonnes that is required. So, as well as meeting the projected demand it will contribute an additional 5 million tonnes to the 12 million-ton Landbank.

Contrary to what the O.R says there is absolutely no need to release further reserves. But in any event what the O.R does not say is that there is planning application for a lateral extension of Potgate Quarry to work an additional 4.25 million tonnes over 18 years from 2022 to 2040. This Quarry unlike the Wentedge Quarry is identified as an area of search in the Local Plan.

The emerging plan reports that the supply of crushed rock is also supported through the identification of allocated sites at Settrington Quarry and Darrington Quarry. Under NEED the O.R says it does not accept the objections by Kirk Smeaton and individuals that there is no need for this stone but gives no credible reasons why. Clearly from what I have reported the arrangements contained in the emerging plan meet the requirements for magnesian limestone right up to 2030 and beyond.

The O.R says that the Local Aggregate Assessment Third Review 2017 reports 'The sub-region has high overall reserves of crushed rock but there is potential for shortfall in supply of magnesian limestone in particular in the mid-term in the absence of further reserves' But what the O.R does not say is that the 2017 LAA is very much out of date and does not comply with paragraph 207a) of the National Planning Policy Framework which says mineral planning authorities should plan for a steady and adequate supply of aggregates by "Preparing an annual LAA either individually or jointly to forecast future demand based on a rolling average of 10 years sales and other relevant information"

Similarly, the O.R does not report that national Planning Practice Guidance says LAA's should include a forecast of demand for aggregates based on the average of 10 years sales data. They should also look at the last 3 years in particular to identify the general trend"

Planning Services have not prepared an annual LAA since 2017 and as such the information contained in this assessment is based on sales data up to 2016. The data is out of date and cannot be used to forecast demand for aggregates based on the rolling average of 10 years sales and neither can the data be used to provide an assessment of the balance between supply and demand. As mentioned earlier it seems very likely that overall sales will have dropped from 2016 to 2020 due to the pandemic.

I hope the PRFC will recognise there is no need for additional stone and as such there can be no possible justification to approve a planning application that will destroy a Locally Important Landscape Area and jeopardise a local and nationally important nature reserve/SSSI."

Cllr James Stephenson representing himself and Elaine Bartlett, Margaret Donlon and Kate Bowden presented the following statements:-

“My name is James Stephenson and I am speaking on behalf of myself, Elaine Bartlett, Margaret Donlon, Kate Bowden and myself who are all registered to speak at the hearing. The presentation is broken down into sections of 3 minutes but will be presented as one.

We believe that this proposal amounts to inappropriate development and there are no Very Special Circumstances that clearly outweigh the harm caused to the Green Belt. The National Planning Policy Framework says that inappropriate development is harmful to the Green Belt and should only be approved in Very Special Circumstances. It also says that certain types of development – mineral extraction included – need not be inappropriate if it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it. These purposes include:

- To safeguard the countryside from encroachment
- To preserve the setting and special character of historic towns.

So, we believe the proposal will need to show that it:

- Preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; or
- There are Very Special Circumstances that clearly outweigh the harm to the Green Belt.

So, what is openness?

North Yorkshire County Council have held in the past that a development preserves the openness of the Green Belt because the site abuts an existing quarry and the development will not introduce any further development into this area. The Council have also argued that the development is a temporary use of land and will be restored on completion of extraction operations.

This argument can hardly apply to this site given that there is now a large industrial estate operating in the quarry void. Part of the site no longer abuts an operational quarry - it abuts a nature reserve/SSSI; a country road and now an industrial estate that is involved in waste recycling and several other industrial activities. The Courts have held the concept of openness to mean the 'state of being free from built development, the absence of buildings'. But if this open agricultural field is developed it will no longer be free from built development and buildings because it will integrate with and become part of a large industrial estate.

It can hardly be argued that the development is a temporary use of land and that openness will be restored on completion of extraction operations given that the field will now coalesce with a disused quarry void that contains an industrial estate and waste recycling plant.

The Supreme Court ruled 'there is no mandatory requirement to consider visual impacts as part of openness in every case. The relevance or otherwise of visual dimension on openness will, quite properly, turn on the facts of each case.' We believe that in respect of this proposal visual impact is clearly a material planning consideration because the site:



- Runs immediately alongside a main road that links 2 conservation villages.
- Is in a Locally Important Landscape Area; and
- Shares 2 of its boundaries with a local and nationally important nature reserve and a triple SSSI.

Openness is a matter of planning judgement and not the law, but we believe that one of the key tests of openness in a Locally Important Landscape Area must surely be without obstruction to view. This will take place if:

- There is a quality view to be had
- The view is obstructed; and
- There are people who would enjoy the view had it not been obstructed.

The site is a green field in an open countryside setting. It runs for 650 metres along the main road and provides scenic views into a nature reserve and long-distance views over surrounding countryside. There are public rights of way running next to or in very close proximity to 3 of its 4 boundaries. The views are enjoyed by hundreds of motorists and cyclists each day.

Any further screening along Wentedge Road will bring significant closure to the Green Belt in a locally important landscape area and will permanently remove scenic and long-distance views over the surrounding countryside. It will accentuate the adverse impact that previous screening has had on openness along Wentedge Road. It will result in almost 1500 metres of continuous screening along a main road that links 2 conservation villages. The road runs for about 2,500 metres so the proposal will bring closure to more than half of the openness of the Green Belt that runs alongside the road. The overwhelming consensus is that Wentedge Road in terms of the Green Belt and openness simply cannot absorb any further screening.

The applicants Landscape Visual Impact Appraisal says, "visibility of the restored site will generally be very low". This clearly indicates that the proposal will have a significant impact on openness. There will effectively be no views from Wentedge Road across the quarry because the bunds will remove the view, and on restoration the hedgerow that has been designed and planted specifically to hide the quarry will do the same.

Obstruction to view will take place because:

- There are significant views to be had
- The views will be permanently lost; and
- There are a considerable number of people who enjoy these views.

Why we believe the proposal conflicts with the purpose of including land in the Green Belt.

Clearly it does conflict with the purpose of safeguarding the countryside from encroachment.

It would be wrong to argue that it cannot be considered as encroachment because the development is temporary, and it will at some time come to an end and the land will be brought back into the countryside. This argument is not credible because once the development has come to an end it will not be brought back into the countryside - it will integrate with and become part of a large industrial estate.

The security fencing and newly planted screen hedgerows will remain and from a visual

and conceptual point of view the land will after restoration become part of the Went Valley Industrial estate. The restoration will not reinstate the openness of the Green Belt and it will not change the land characteristic for it to be considered anything other than a disused quarry containing a large industrial estate and waste recycling business.

Most people will agree that Countryside is defined as:

- Land that is not in industrial areas and is used for farming or left in its natural state.
- Land that is in an open countryside setting
- Land that is open and accessible to the public to enter or view
- Land that is in a reasonably peaceful and tranquil setting.

If the application is approved this land will no longer be part of the countryside as it will identify with and become part of the Went Valley Industrial estate. This former open agricultural field will integrate with the existing quarry void and will become a further extension of the industrial estate – one that is involved in several industrial activities. The applicant says:

'The industrial estate will be retained in perpetuity and it will be set down in the quarry with a landscaped low-level restoration scheme. The restoration of the quarry will enable the land to be returned to a productive after-use such as an industrial estate and waste treatment site'.

So, the applicant says that on restoration the quarry will become part of an industrial and waste treatment site.

The site will not be readily accessible for the public to enter or view as access will be through the industrial estate and will be restricted to accompanied and pre-arranged visits.

The constant HGV's that enter and leave the quarry, and noise from industrial operations within the quarry will not give rise to a peaceful and countryside setting. So, after restoration the land will not be restored back into the countryside. It will form part of a busy industrial estate.

Does the proposal preserve the setting and special character of historic towns?  
There is an argument to apply this Green Belt purpose to historic villages as well as towns.

The Smeaton villages and Wentbridge are recorded in the Domesday Book as agricultural villages. The villages are in a conservation area.

The proposal to remove even more agricultural land and transform it into an even bigger disused quarry containing a large industrial estate will not preserve the special character and setting of the historic agricultural villages – particularly on top of the earlier decision to remove agricultural land under the Barnsdale Bar planning consent.

The proposal clearly does result in encroachment and it does not preserve the special character and setting of the neighbouring villages.

Why we believe very special circumstances do not apply to this application?  
The only issue which could conceivably constitute Very Special Circumstance is need. There can be no Very Special Circumstance in respect of this proposal because there is

no need. North Yorkshire County Council and the Yorkshire and Humberside Region already have a significant landbank and there is no risk of sterilisation given that the land is in the middle of the Green belt and shares 2 of its 4 boundaries with a nature reserve. The very questionable benefits claimed by Went Valley Aggregates would be required from any scheme and do not justify inappropriate development in breach of the National Planning Policy Framework and Local Plans.

The harm to the Green Belt and locally important landscape would be permanent and irreversible.

The proposal would have an adverse impact on the character and appearance of the area.

The proposal would have a negative impact on the amenity of the area. The proposal has the potential to cause immeasurable damage to the flora and fauna in the nature reserve – a triple SSSI.

The proposal will result in a bigger loss of best and most versatile agricultural land.

The proposal will contribute towards poor air quality in a designated Air Quality Management Area.

The Framework does say that great weight should be given to the economy when determining applications but in respect of this proposal:

- The contribution of minerals from this site will have little benefit to the economy given the significant Landbank and the arrangements that have been put in place to maintain a supply of crushed rock up to 2030 and beyond.
- The quarry has now been worked out for some months and it is reasonable to assume that most displaced employees will have found other work.
- Significant restoration work is required at the quarry and it is also involved in other industrial activities not directly associated with mineral extraction. It is not unreasonable to assume that displaced employees could be redeployed onto restoration work or transferred to other activities in the quarry.

In terms of compliance with the Framework the proposal is totally at odds with the policy about enhancing the natural and local environment and recognising the intrinsic character and beauty of the countryside.

In conclusion:

- The proposal amounts to inappropriate development as it does not preserve the openness of the Green Belt
- It conflicts with the purpose of including land within the Green Belt
- There are clearly no Very Special Circumstances that clearly outweigh the harm to the Green Belt.”

Mrs Elaine Lenc representing herself and Paul Clarke, Cllr Carl Vitty; Mr Bernard Storey presented the following statements:-

“My name is Elaine Lenc, my presentation is in sections of 3 minutes and will be read as one on behalf of Paul Clark, Carl Vitty, Bernard Storey and myself, we are all registered to speak at the hearing.

Firstly; does the proposal amount to sustainable development?

The National Planning Policy Framework states that plans and decisions should apply a presumption in favour of sustainable development but only in circumstances where:

- Habitat Sites, Triple SI and land designated as Green Belt do not provide a clear reason to refuse the development.
- An appropriate assessment has concluded that the development will not adversely affect the integrity of habitat sites; and
- Any benefits of the development would demonstrably outweigh any adverse impacts.

We believe the proposal does not achieve sustainable development because:

- Extracting stone in circumstances where there is no demonstrable demand can hardly meet the needs of the present, without compromising the ability of future generations to meet their own needs.
- It will not secure conservation of the stone which is a finite resource; and
- The proposal will not encourage the use of substitute or secondary and recycled materials before the extraction of primary materials.

Secondly; does the proposal conflict with the Local Plan:

We believe the proposal conflicts with Selby District Council's Local Plan 2005, which states –

1. Proposals for development which would harm a local nature reserve or a site of local importance for nature conservation will not generally be permitted.
2. Development will not generally be permitted where it is likely to cause loss of, or damage to ancient woodland; and
3. Within Locally Important Landscape areas priority will be given to the conservation and enhancement of the character and quality of the landscape.

We believe the proposal conflicts with Selby District Council's Core Strategy objectives which relate to:

- Safeguarding the open character of the Green Belt
- Protecting and enhancing the character of the historic environment
- Protecting the best and most versatile agricultural land and enhancing the wider countryside for its important landscape.

Policies state that:

- planning permission will not be granted for inappropriate development unless very special circumstances apply; and that
- The District Council will seek to protect and enhance the environment.

We believe the proposal conflicts with North Yorkshire County Council's Minerals Plan – Saved Policies which states that development outside of preferred areas and areas of search would have to be justified and would only apply in unforeseen circumstances. It also states that planning permission will only be granted for small scale extensions.

There can be no justification to approve this application as this quarry is not in a preferred area, nor is it an area of search –the proposal to increase the operational size

of the quarry by almost 50 % cannot be deemed to be a small scale extension. We believe the proposal conflicts with North Yorkshire County Council's Emerging Minerals and joint Waste Plan. The policies that seem highly relevant to the proposal are:

- MO5, 6 and 9

After considering these policies - there is clearly no business need for a further extension to this quarry. The existing reserves meet the demand for crushed stone to 2031 and beyond.

Thirdly; is there demand for the stone?

We believe that there is no demonstrable demand for this stone as:

- The West Yorkshire Combined Authority Report and the Local Aggregate Assessment Report both identify a very significant Landbank; and
- North Yorkshire County Council already have plans to maintain a significant Landbank beyond 2031.
- The applicant refers to there being a significant Landbank but says:
- Magnesian limestone tonnages are considerably less than carboniferous tonnages.
- The distance to markets in the south and east of the County make the Landbank uneconomic on transport grounds, unless moved by rail.
- But what the applicant does not say is that:
- Magnesian limestone, because of its limited use can only supply part of the overall market and this is why tonnages are less than carboniferous limestone.
- Access to reserves in the north of the County are met by the Bedale, Aiskew and Leeming Bypass and the new Acrow Quarry.
- Very little stone is sold in the South Yorkshire Region as demand is met from quarries in Derbyshire and the East Midlands.

The applicant states there is an estimated 150,000 tonnes of building stone and if this is stored in the quarry floor it will represent 40 years supply. There is no evidence to suggest there are 150,000 tonnes of building stone at the quarry nor is there any evidence that demand for building stone cannot be met from the 2 other quarries in the area. The applicant's proposal to bury the stone in the quarry floor could result in hydrological issues and delay full restoration work for up to 40 years.

Fourthly; will the proposal have an adverse impact on the Character and Appearance of the area?

Up to 2010, this quarry had a very small operational area and was set back from the road. The only evidence of the quarry from Wentedge Road was a private access road leading to a few units. Successive planning consents since 2010 have allowed the quarry to swallow up more open agricultural land right up to the road side. The previously open fields and rolling arable landform has now become an enormous hole in the ground which has been partially screened by unsightly bunds and a recently planted hedgerow.

We believe any further quarrying along Wentedge Road will impact significantly on the character and appearance of the area and will accentuate the previous harm that has been caused:

- The extension will remove more open agricultural land within the Green Belt, right up to the side of Wentedge Road, resulting in almost 1500 metres of continuous

- screening along a main road that links 2 historic conservation villages.
- There will be further unwelcome encroachment into the countryside paying no regard to preserving the special character of the historic conservation villages and adjoining nature reserve.
- The large quarry void will not integrate into the landscape due to its unhappy relationship with the adjoining river valley. It is totally at odds with policy about enhancing the natural local environment and recognising the intrinsic character and beauty of the countryside.

This large open arable field will be transformed into an enormous 30 to 35 metre hole in the ground that will become part of the Went Valley Industrial estate. The applicant says that on restoration of the quarry it will enable the land to be returned to a productive after-use such as industrial estate and waste treatment site. When was planning consent granted for this and what happened to restoration of the agricultural land?

There is no need for this stone and there can be no justification to irreversibly damage this historic landscape.

Fifthly; will the proposal have a negative impact on the amenity value of the area? The Nature Reserve is valued by so many people – it attracts thousands of visitors each year. It offers a beautiful, tranquil setting in the countryside for families, hikers, dog walkers, birdwatchers, butterfly and all wildlife enthusiasts.

The Covid 19 pandemic has emphasised the need for quality open space in the countryside. The nature reserve has been visited by thousands of people who do not have the benefit of open countryside on their doorsteps. They have been able to exercise and maintain social distancing because of the openness of the land and the network of established footpaths.

Comments on trip advisor read as follows:

“Peace and tranquillity in a beautiful wildlife reserve. After googling local walks, I chanced upon this little gem. It is an ideal place to take the kids for a picnic and a spot of pond dipping”

“Deer, cattle and rare flowers. If you go down the A1 from the north you will see a beautiful Yorkshire valley in the village of Wentbridge, walk a full circuit to Kirk Smeaton from Wentbridge”

This proposal will bring the quarry right alongside the nature reserve, close to public rights of way that are used extensively by people enjoying the reserve.

Quarrying so close to the reserve, together with noise, dust and poor air quality will have a significant adverse impact on the amenity value of this beautiful area.

Finally; what impact will the proposal have on Traffic and air pollution?

Residents of Kirk Smeaton, Little Smeaton and Wentbridge have suffered filthy roads and road safety issues for the last 10 years. If this planning application is approved then they will have to suffer for at least a further 10, if not 40 years.

Went Valley Aggregates do not comply with planning limitations on traffic.

The stretch of the A1 running north and south from the Quarry is a 1960's dual carriageway. It is one of Wakefield District Council's Air Quality Management Areas. The road cannot cope with the significant volume of traffic that has increased over the years. It is frequently heavily congested and traffic is often at a standstill, spewing toxic emissions into the air. There are plans to widen and re-route this stretch of the A1 but it is



unlikely this will be completed in the next 10 years.

Road Traffic is the primary source of air pollution affecting communities along the A1 and higher than acceptable levels of Nitrogen Dioxide resulted in this stretch of the A1 being designated an Air Quality Management Area.

If the planning application is approved then this will significantly increase the high volume of lorries needed to transport 4.9 million tonnes of quarried stone; and after extraction, import massive quantities of waste materials to partly fill in the quarry void.

These Lorries are in addition to those already visiting the Industrial and Quarry sites. We believe Local Authorities have a duty to reduce emissions from freight and commercial operations – particularly in Air Quality Management Areas – and that development should not be allowed where there is an identified risk to public health. There is no need for this stone and there can be no justification to approve a development that will increase toxic emissions, in what is already designated a ‘poor air quality area’.”

Cllr Barney Byfield presented the following statement:-

“My name is Barney Byfield. I’ve lived in Kirk Smeaton for over 20 years.

My presentation addresses the proposed restoration and I believe the restoration proposed for this site is unacceptable.

It is very difficult to see how the proposed restoration of such a large man-made void can restore or enhance any of the key landscape features of the area including the open landform and the scenic views over surrounding countryside. Indeed views from the east side would be of the apparently unapproved industrial estate in a very large hole. It will not integrate into the existing landscape. Research shows that restoration of such sites is very difficult to achieve. It is simply not feasible to create a naturalistic limestone valley from this huge quarry void.

I would like to quote from the response from John Wainwright of the council’s Heritage Services:

- The application seems incomplete and inconsistent
- I do not agree with the overall summary of adverse effects (which in my view are understated)
- I also think that there is an overly optimistic view of how the restoration scheme would improve local landscape character and the predicted benefits
- The assessment of the proposed development on Green Belt is not sufficiently explained with statements conflicting with national policy
- The restoration proposals should not simply be an enlargement of previous phases, but re-consider the site as a whole, its character, scale and context.

The proposal is to quarry up to 10 metres from the ancient woodland in the nature reserve. Even if this standoff distance were adhered to (which has not happened in the past) this could have serious hydrology implications for the woodland which would effectively be situated on a ridge and could lead to die-off of trees and other plants. Corresponding damage could also occur to the SSSI grassland to the east. Even after restoration there would be a huge hole on the south side of this woodland

There are serious concerns about the quantity and quality of waste materials that will be

brought to site. The Nature Reserve owes its very special ecological status to the limestone that runs close to the land surface. Unless the waste is appropriate and strictly regulated this could result in sub-strata that will not be consistent with those in the adjoining SSSI nor with the stated objective of developing a species rich wildflower meadow.

Transportation of this huge amount of waste material also has serious adverse impacts over a considerable time period.

The restoration will not result in an attractive amenity. Access to the site would be through the industrial estate in the quarry void and may not be freely open.

The existing Section 106 agreement has neither been complied with nor enforced to date, so we do not have any faith that the proposed conditions or restoration would be complied with either.

The plan to store stone in the quarry base for up to 40 years, together with the scale of the industrial estate is likely to delay or even prevent restoration.

In conclusion, I agree with your own expert who says that the adverse effects have been understated and the restoration is over-optimistic.

Even assuming compliance, the proposed restoration and enhancement is inadequate. We will just lose more green belt for a gaping void with a large industrial estate in the bottom.”

Prof Tricia Storey presented the following statement:-

“My name is Professor Tricia Storey, Chair Kirk Smeaton Parish Council.

The National Planning Policy Framework and Local Development Plans acknowledge the need for mineral extraction, but also recognise that significant adverse impacts can occur in the Green Belt and wider countryside. Mineral extraction is therefore only permitted in circumstances where the benefits clearly outweigh the adverse impacts when measured and assessed against the NPPF and Local Plans.

It seems abundantly clear that planning permission should only be granted when -

1. There is demonstrable need,
2. Where the harm caused by the adverse impacts, highlighted by so many individuals and public bodies, is clearly outweighed by the benefits of the proposed Quarry extension, and very special circumstances can justify the development.

The risk of irreparable damage to the SSSI stands out as one of the greatest concerns. This concern is heightened by objections from Nigel Adams MP, Yorkshire Wildlife Trust, Friends of Brockdale, several Parish Councils, hundreds of village residents and over 1170 people in an on-line petition.

The NPPF is quite clear that “if significant harm to biodiversity resulting from the development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort compensated for. Then planning permission should be refused.

This is about balance, protecting the environment or extracting 4.9 million tons of stone.

The recent Queen’s speech stated that our Government’s priority will be to place more weight on taking care of the environment. The Environment Bill, shortly to become law,

will include the establishment of new environmental principles and legally binding targets. Page 128 states “Protecting nature by mandating biodiversity net gain in the planning system and delivering thriving natural spaces for communities.”

It is therefore incumbent on North Yorkshire County Council, a public body, underpinned by the Nolan Principles to:

- SAFEGUARD the open character of the Green Belt
- SAFEGUARD scenic and long-distance views that have existed for many years
- SAFEGUARD and PROTECT the character of the historic environment
- PROTECT the nature reserve, a Site of Special Scientific Interest from harm
- PROTECT a locally distinctive landscape and area of tranquillity in these times of Pandemic
- PROTECT best and most versatile agricultural land and acknowledge the importance of landscape, amenity, recreational and nature resource value
- CONTRIBUTE towards improving poor air quality in a designated Air Quality Management Area
- CONTRIBUTE towards the physical, mental, social and cultural wellbeing of local communities
- ENSURE there is no cumulative effect of mineral extraction in the local area
- ENCOURAGE the use of substitute or secondary recycled materials
- STEER future developments away from areas of environmental and agricultural quality.

For all of these reasons, this application should be Refused Planning Permission. Would this quarrying in a sensitive location deliver a thriving natural space for the local community in accordance with the governments aims? NO.”

Laura Hobbs – Yorkshire Wildlife Trust presented the following statement:-

Yorkshire Wildlife Trust ask the planning committee to refuse planning permission for Went Edge Quarry extension due to the potentially significant impacts to a nationally designated site, Brockdale Site of Special Scientific Interest (SSSI) which is partly owned and managed by the Trust.

We object to the application as we do not believe sufficient mitigation measures have been put in place to avoid significant deterioration of the site. Nor do we believe that the restoration scheme can enhance biodiversity in the short or long term, as there remains outstanding concerns over its feasibility and the ability of the S106 to secure this, particularly with the insufficient funds proposed.

In accordance with the Habitats Directive, national and local policies including SP 18, ENV 11, there is a requirement to safeguard these sites from inappropriate development. Brockdale is designated for its ancient grassland and woodland habitats, areas which have been unchanged since the 1600's and are considered irreplaceable under the National Planning Policy Framework (NPPF).

97% of such grassland has been lost in Britain since the 1930's. As irreplaceable habitats, there must be consideration for indirect impacts with regards to national and local policy. The NPPF states that development resulting in loss or deterioration must be refused, unless there are wholly exceptional reasons and a suitable compensation strategy. This is further reflected in local policy ENV11. These criteria have not been fulfilled for the proposed quarry extension.

Ancient grassland and woodland habitats are also listed as Habitats of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act (2006), which puts further duty on public authorities to conserve biodiversity.

We have serious concerns about dust and hydrological impacts resulting in significant shifts in habitat composition and, ultimately, the loss of flora and fauna species which are rare both locally and nationally. This includes the impact of particles which are not visible to the naked eye. Despite our requests, the current mitigation strategies do not go far enough to provide confidence that such impacts will be avoided. No ecological monitoring has been undertaken in the past to verify the level of impacts which may occur from quarrying; however the quarry has been implicated by Natural England in a number of enforcement cases for damage to the SSSI.

Likely impacts are therefore very hard to predict, given the specialised nature of species sensitive to minimal changes. Research published in 2013 concluded that these habitats take over 150 years to recover from damage. The proposed restoration and S106, which still hold a number of errors and concerns over their viability, therefore cannot possibly compensate for these impacts and loss of rare species and habitats on site.

The impact of proposals on specific species has been outlined in detail by the Brockdale Friends of Group, who we fully support.

We therefore believe the proposals are not in accordance with European, National or Local legislation and policy, and impacts upon biodiversity are significant and irreversible. As a nationally recognised site of significant importance it is the duty of the local authority to protect these features and as such we strongly recommend that the application is refused.”

Jenny Hawley - Plantlife presented the following statement:-

“Thank you for the opportunity to speak today. I am speaking on behalf of Plantlife, a British conservation charity which works to save wild plants and fungi.

Plantlife objects to the proposed quarry extension due to the damage that it will cause to rare and important wildlife, ancient grassland and ancient woodland on the SSSI. Plantlife is the owner of Thompson Meadow, which is part of the Brockdale SSSI and lies immediately adjacent to the proposed quarry extension on its eastern edge. The meadow is managed on our behalf by Yorkshire Wildlife Trust and Plantlife supports their statement to the committee today.

In Britain, we have lost 97% of our wildflower meadows in the last century and we simply cannot afford to lose any more. Thompson Meadow is one of the last remaining meadows and these are critical in solving the current crises for people – following the pandemic – for nature and for our climate.

The magnesian limestone grassland of the meadow is very rare in Britain. Its wildflowers are diverse and exceptional, including 59 species that are rare and declining within Yorkshire. This is a site that the Council should be proud to host and protect.

We are deeply concerned that the meadow and its exceptional wildlife will be adversely impacted by dust from the quarry, damaging the ecology of the whole habitat. There is no reliable evidence in the application that this risk will be adequately managed, monitored or mitigated. The existing quarry is over 400m from important grassland areas in the SSSI, whereas the extension will reach to the very edge of Thompson Meadow.

SSSIs are the only wildlife sites in England which have any meaningful legal protection. Quarrying adjacent to this SSSI is “likely to have an adverse effect” and we do not believe that there are any overriding reasons for this development that could be considered to “outweigh” the likely impact on the SSSI. The council has a legal duty to protect SSSIs and biodiversity; fulfilment of this duty is not consistent with approval of this application.

Finally, Plantlife strongly believes that opportunities for people to enjoy contact with nature and quiet outdoor recreation at Brockadale nature reserve must be protected and enhanced wherever possible. The experience of the Covid pandemic has emphasised the importance of this for our health and wellbeing. We are concerned that noise generated by blasting activity within the quarry extension, plus the continued traffic of lorries, will both significantly spoil local people’s enjoyment of the reserve. We urge the Committee to refuse planning permission in this case.”

The following statement from Martin Donlon was read out by Clerk, a copy having previously been circulated to members of the committee:-

“I feel I need to comment on the letter from John Carlon dated 12 June 2020 Mr. Carlon says "The local village residents have been made aware of the proposal from the discussion at the planning liaison meetings with the applicant and the parish council since early 2018. Unfortunately, despite requests from Mr. Meakin the owner of the quarry these liaison meetings have not been attended by representatives of the Parish Council or volunteers of the YWT who look after the Brockadale plantation for over 18 months". The PRFC need to know that only 4 liaison meetings took place, and these were instigated by the Parish Council even though Mr. Meakin was supposed to have arranged the meetings. There were never any 'requests from Mr. Meakin' to attend future liaison meetings because he never arranged any.

Mr. Carlon says "Turning to the YWT response dated 29 November 2019 where they maintain their holding objection these matters had been addressed..." He was clearly wrong to report these matters had been addressed as YWT submitted a further representation on 2 July 2020 stating that they wished to uphold their objection because of unacceptable impacts to the SSSI, lack of confidence regarding the restoration proposals and the failure to demonstrate measurable biodiversity gain for the site. Mr. Carlon talks a great deal about the significance of the standoff areas and bunds to mitigate harm to the SSSI but in respect of the 2016 planning consent this quarry completely ignored the standoff areas that had been agreed. The quarry extracted stone from all of the standoff areas resulting in damage to the ancient woodland, the destruction of a species rich hedgerow and a serious public safety issue.

Mr. Carlon says “Very little management is carried out by YWT in these areas and this is borne out by the ecologist and landscape architect advising the applicant as there are gappy hedges, bramble and other untidy areas in Elwiss meadow and the woodland” Mr. Carlon clearly does not recognise the work carried out by the ‘Friends of Brockadale’ a group of 40 plus conservationists who give their time freely to carry out conservation work and monitor and record plant and wildlife in the SSSI and neither does he recognise that conservation work in a wildlife nature reserve is about creating natural habitats in brambles and other untidy areas and creating conditions and areas where wildlife, wildflowers and plants can thrive and flourish. It is not about mowing grass, cutting hedges and removing fallen trees and branches.

YWT and the Friends of Brockadale are the experts on nature conservation, and I hope NYCC will take on board what they report. It seems very clear that there are no mitigation



measures that can guarantee to safeguard the SSSI from harm. The harm to plant and wildlife in the SSSI could prove quite catastrophic.

Mr. Carlon says, “Natural England welcomes the restoration proposals submitted and would expect the highest levels of restoration to be achieved” Contrary to what Mr. Carlon says Natural England said no such thing about welcoming the restoration proposals. What they said is that they welcomed the applicants ongoing engagement with YWT regarding the restoration and aftercare of the proposed extension. YWT in their letter of objection on 2 July 2020 say “Whilst we are in discussion with the applicant with regards to restoration schemes and our potential involvement, this has not yet been clearly defined, nor agreed, and we feel does not currently provide any confidence to be an influential consideration in support of this application”.

Mr. Carlon suggests that a high-quality restoration scheme will be achieved by creating calcareous grassland and woodland in a limestone valley. But this clearly cannot be achieved now that the applicant has created a large industrial estate that covers 50% of the quarry floor? A high standard of green belt restoration cannot be achieved in such a large industrial area.

Neither can a replica landform resembling anything like a valley be achieved because following the introduction of the industrial estate the quarry void is not sufficiently elongated, but regardless can the proposal still deliver a high-quality restoration scheme. YWT do not believe this is possible and a research paper written by Peter Dunleavy gives validity to their concerns.

YWT in their objection letter 2 July 2020 say “...there is no confidence at this stage that the restoration proposals are feasible. There has been no legally binding commitment from the applicant, and there are still outstanding concerns with regards to the ability to source material to allow the restoration to take place. We also have concerns about the ability to recreate a suitable substrate for the proposals due to failed attempts within similar nearby schemes. Such examples include Womersley Quarry which found the use of limestone fines to result in a substrate that was very difficult to seed and created numerous run-off complications resulting in a number of failed attempts to create this habitat. The current proposals to repeat this failed process at Went Edge Quarry are therefore concerning and unlikely to be successful based on the current information that is available”.

A paper written by Peter Dunleavy following research into the ‘Establishment of species-rich vegetation on reclaimed limestone faces in Derbyshire’ concluded:

1. The ecological effects of limestone extraction are far reaching and extreme, resulting in the complete removal of the overlying ecosystem
2. Natural colonisation of disused limestone quarries, especially following modern extraction processes is slow. The timescales involved in the creation of species rich calcareous grassland communities (possibly hundreds of years) are not considered acceptable as a reclamation or restoration strategy.
3. There is significantly more bare ground, fewer herbaceous plant species, less vegetation cover and lower diversity on landform replications than on natural daleside.

The concerns raised by YWT and the findings contained in the research paper written by Peter Dunleavy do not provide any confidence that the restoration and after care proposals for the quarry can be delivered to a high standard.



Mr. Carlon believes the proposal preserves the openness of the GB and does not conflict with the purpose of 'safeguarding the countryside from encroachment' The proposal can hardly be deemed to preserve openness and safeguard the countryside from encroachment now that the industrial estate covers most of the quarry floor. The development will result in the permanent loss of COUNTRYSIDE LAND so it would be spurious to argue that it 'safeguarded the countryside from encroachment'

I am sure the PRFC will agree that Countryside is defined as:

- Land that is not in towns, cities or industrial areas and is used for farming or left in its natural state
- Land that is in an open countryside setting
- Land that is open and accessible to the public to enter or view
- Land that is in a reasonably peaceful and tranquil setting.

This green field fulfils all the requirements outlined above but once the land is quarried it will no longer be part of the countryside because it will identify with and become part of the Went Valley Industrial Estate. The applicant says this in the revised planning statement "Facilitate the restoration of the quarry enabling the land to be returned to a productive after-use such as an industrial estate and waste treatment site" The site will not be readily accessible for the public to enter or view as access will be through the industrial estate and will be restricted to accompanied and pre-arranged visits. The constant HGV's that enter and leave the quarry, and noise from industrial operations within the industrial estate will not give rise to a peaceful and tranquil setting.

So, after restoration the land will not be restored back into the countryside because:

- It will coalesce with the existing quarry void and become part of an industrial estate
- It will not be left in its natural state and it will not be used for farming
- It will not generally be open and accessible for the public to enter or view
- It will not be in a peaceful and tranquil setting.

I hope you will take on board the comments I have made.

John Carlon, the agent for the applicant presented the following statement:-

I should like to thank the Chair and fellow members of the Planning Committee for providing the time for me as agent to speak to the Committee about this application. I should like to thank the Planning Team at the Council for preparing a thorough and detailed planning report to Committee, particularly Mr.Perigo for picking up the planning application and the detailed design and mitigation proposals within the Environmental Statement for the report.

I should also like to thank the County Ecologist, the County Landscape Architect and the County Archaeologist for their input and advice on the proposal to extract limestone to a depth of 35 metres. The discussions and amendments to the scheme were undertaken at the behest of Felicity Hart to provide more details on the restoration scheme to meet the objectives regarding landscape and biodiversity in the County and Selby District Council.

#### Background

As a bit of background information, I have been involved with this quarry for over 20 years and submitted the previous applications referred to in the section on planning history on page 10 paragraph 2.17. To accompany those planning applications there have been environmental statements to support the applications submitted since 2010

and that included specialist reports on ecology, landscape and visual impact, noise and dust. The applicant has abided by the schemes and management procedures agreed with the County Planning Authority to minimise or to eliminate impacts to the Brockadale SSSI when those earlier planning applications were granted.

The ecologist and landscape architect who advise the applicant on the management of the land, including part of Brockadale Plantation, some of which the director owns, have not recorded any deterioration to the woodland or the meadows within the SSSI since quarrying started at the same level as it is now in 2006.

The quarry has been operational with crushers and screens processing limestone since 1993 and the current landowner has steadily built up the business to provide high quality Magnesium Limestone aggregates, building stone and agricultural lime from the quarry. The business also processes construction waste to provide high value secondary aggregates that have been processed through the wash plant to produce a wide range of secondary aggregates consisting of broken brick, concrete, and stone. The residue which is soil is used to restore the quarry by placing it against the face where the limestone has been worked to the limit of extraction to provide a slope from the surface to the bottom of the quarry.

Currently the quarry and waste management operation employ 30 people driving machines, operating the plant, servicing the equipment, administrative office staff and the managers. The company rely upon the reserves of limestone to be able to continue the supply of primary aggregates and the waste management operation provides the material for the company to restore the quarry as they progress the operation eastward. The company are currently restoring parts of the planning permission land that was granted for areas 3, 4, 5 and 6 under permission numbers NY2016/0185/ENV and NY/2014/0113/ENV discussed in paragraph 2.17.

From the previous work undertaken at the quarry by the ecologist there is a great degree of confidence by the applicant that they will achieve what is proposed for area 8. They have extracted 4 million tonnes since 2013 and progressively backfilled the excavations on the south side of the quarry against the standoff for Went Edge Road using both quarry material and soil from the wash plant.

#### Planning Application

Regarding paragraph 3.10 of the planning report, the applicant did commission specialist reports on the ecology, noise management, dust and air quality management, landscape and visual impact, hydrology and hydrogeology, stability and the phased restoration of the site. The consultants worked on the previous applications and accompanying environmental statements, so have a long history of monitoring the management of the site and potential impacts on the SSSI. From the reports received and advice given to the applicant and discussed with the planning officer there is little or no risk to the SSSI from further quarrying in area 8 that cannot be managed. The unique habitat of woodland and calcareous meadow will remain, as will the rare species of flora noted in the SSSI and discussed in the objections from the Parish Council, Yorkshire Wildlife Trust and other stakeholders.

The company has worked with Natural England to agree a scheme to undertake tree planting along the northern boundary of the application area to protect the woodland and to install a small swale, or trench in the site to catch water and soil erosion if it were to occur.

There will be a minimum 10 metres wide standoff from the boundary with the Brockadale

plantation. The statutory consultees do not object to the extension to the quarry, subject to robust planning conditions and agreements controlling emissions which the Planning Officer has prepared and these have been agreed with the applicant. The applicant has reviewed the objections to the proposed extension with their advisors and the main objections that remain are the Parish Council and residents in the area. Yorkshire Wildlife Trust and Plantlife have objected to the proposal citing effect on the flora and fauna from noise, dust, water depletion, runoff of water, soil erosion, the main concern being dust deposits on Thompson's and Elwiss' meadow on the eastern boundary of the proposed extension. None of these objectors have provided evidence in the form of a report of the potential impacts on the SSSI, as far as the applicant is aware, as they nor their advisors have had sight of any evidence. The applicant has seen no recorded notes on the deterioration of the woodland and meadow from the stewards and friends who look after the Plantation. This is despite previous meetings with them to discuss the management of the SSSI and adjacent land whilst quarrying the existing site, where they could have voiced any concerns.

The applicant, and the team advising the company held several meetings in June to December 2019 arranged by Felicity Hart, the Senior Mineral Planning Officer, with the the County Ecologist, the County Landscape Officer and the Environmental Health Officer who is at Selby District Council as discussed in paragraphs 3.11 to 3.29 of the Planning Report. They have no objection to the operation now that safeguards proposed by the consultees at those meetings have been included within the scheme. They are familiar with the previous applications that have been granted planning permission and the Section 106 agreements in place on those planning permissions to extend the period from restoration and aftercare from 5 years to 10 years. The applicant has agreed a similar section 106 agreement for this application.

The scheme also includes the benefit of a path from the public footpath at Thompson's meadow running alongside Went Edge Road, inside the 30 metres wide standoff, to the public footpath to the west of the quarry access, from Went Edge Road that will be implemented as soon as practicable. This was agreed with the Landscape Officer at the meeting in December 2019.

#### Natural England

Discussed in paragraph 4.7 Natural England raised an objection on the 19th of April 2019 about the proposal and the risk of dust deposits on plants including alkaline deposits from cement dust. There is no proposal to deal with cement within the application area nor in the existing quarry and where the construction waste is processed in the current working area the process is wet so there will be no dust arisings. Natural England (NE) also raised concerns about the edge protection bund on top of the face which is required by the Health and Safety Executive unless there are other means of edge protection. NE asked for a belt of trees 5 metres wide along the line of the SSSI and a fence to protect the tree belt. The applicant is happy to erect a fence and plant trees so the edge protection bund may no longer be required. The monitoring requested by NE discussed in paragraph 4.8 is already in place on the existing quarry.

#### Yorkshire Wildlife Trust

The Trust has raised an objection to the application based on the perceived impact on the meadows and the ancient woodland within the SSSI. The owner of the land and the company take the objection to the scheme seriously and have entered in to talks with the Trust to manage the site once it is restored as part of their ongoing work on the SSSI after the extraction and restoration of the whole site. Whilst the Wildlife Trust maintain their objection to the proposal, in that the scheme has the potential to damage the SSSI, they have not produced any evidence of this, and indeed have provided evidence to

the contrary, in that the unique flora and habitat still exists in the SSSI from the surveys by the Friends of Brockadale as discussed in paragraph 4.17. It is noted that the Trust believe that the restoration scheme will have a benefit to the SSSI and net gain in biodiversity. The applicant company are discussing the long-term management of the 6 site with YWT and the Friends of Brockadale for the existing quarry and discussions will be extended to the extension in area 8.

The company have undertaken ecology assessments on the SSSI and land within the ownership of the landowner, within Brockadale woodland to measure the impact on the SSSI from the quarry and no impact has been noted on the diversity of wildlife and flora. The Trust and Friends of Brockadale have recorded there are rare species in the woodland that are found in limestone country. This would lead the applicant's consultants to conclude that the operation has no effect on the SSSI.

#### Parish Council

The Parish Council has raised several objections to the proposal to extend the quarry and the effect it could have on the SSSI and note that at present there are over 300 species of flowering plants and an abundance of otherwise rare butterflies and other fauna. They are of the opinion that the operation in area 8 could affect the SSSI through dust emissions.

The quarry has been operational for over 50 years and has been operating at the same rate for over 12 years and to date there is no evidence that dust has caused any deterioration to the woodland flora and fauna. The management of dust has been undertaken on the existing quarry for over 15 years and it is clear, based on the comments from the people involved with the Brockadale Plantation, that the flora is thriving and is unaffected by the proximity of the quarry.

The quarry is 1.3 kilometres from the edge of the village and once phase 81C on the east side is worked, the boundary of the planning permission will be 750 metres from the edge of the village and 50 metres from Thompson's field.

In their objection letters the Parish Council suggest they have been advised that the trees in the SSSI could suffer from water depletion. The woodland is located on a Magnesium Limestone valley side and there are no springs in the woodland and the neighbouring quarry is dry. The water table is beneath the limestone under the course of the River Went so there will be no change to the ground conditions that the woodland is growing in. Limestone is permeable so water falling on the ground saturates the soil and then infiltrates the ground through the limestone and flows east underground to recharge the aquifer under Askern.

Whilst the company acknowledge the objections of the Parish Council relating to landscape, restoration, need for the minerals and potential impacts on the SSSI the applicant considers the consultations undertaken by the Planning Officers and the Council's own experts carry greater weight.

There is no evidence that the quarry will deter visitors to Brockadale Plantation which is borne out by the comment in paragraph 4.50. One gentleman visits the reserve on a regular basis and stated – "I visit the nature reserve because it is located in a scenic open countryside setting and I enjoy the peace and tranquillity the reserve has to offer and enjoy breathing in the fresh air and listening to the rustling of the trees and the birds singing". From this comment one can assume that the quarry and industrial estate have not been noticed by this gentleman nor is it affecting his enjoyment of the reserve with noise and dust emissions. There is unlikely to have been any reduction in numbers

visiting the reserve and over the past 12 months footfall will have increased as people use outdoor space for exercise. The applicant is not aware of any complaints about noise, dust or blasting from the users of the footpaths and most if not all of the objections are from residents in the area.

The applicant disagrees with the Parish Council in that there are no economic benefits to the extension to the quarry. The business provides over 30 jobs and this proposal will extend those employment prospects for another 10 to 12 years adding over £2 million a year to the local economy in wages alone. There are many civil engineering contractors who source their stone from this quarry and have provided letters of support for the business as they are concerned that there will be a large shortage of limestone as Barnsdale Bar and Darrington Quarries cannot meet the demand. Ultimately that will affect their businesses and the future of the region as projects have already been postponed due to shortages of primary aggregates in the Leeds City Region and York.

The Parish Council object that the openness of the agricultural field looking towards the plantation from Went Edge Road, presumably as they pass in their cars, will be affected. The area was mainly fields enclosed with hedgerows until the advent of large farm machinery in the late 1970's so the hedgerows were pulled out to create large fields. The applicant can plant a hedge along Went Edge Road that will restrict the views of the large flat agricultural field from views along Went Edge Road without planning approval.

#### Plantlife

The applicant acknowledges the concerns of Plantlife about the SSSI Plantation and the protection of the wildflowers. The applicant has provided robust evidence in the form of ecology assessments over many years that concluded the proximity of the quarry has not affected the flora in the plantation or on the borders of it, and therefore with the current management schemes in place the SSSI is protected from dust emissions. As regards the uncertainty of the restoration proposal being deliverable, restoration with backfilling is currently taking place in the existing quarry on the west side and in the standoff along the side of Went Edge Road as part of the Section 106 agreements signed for the earlier planning permission.

Darrington Parish Council, Brockdale Reserve Supporters Group and Butterfly Conservation in Yorkshire have all expressed concerns about limestone dust affecting the flora. The site is a 10 hectare, 25 acre field that is currently ploughed, harrowed, sprayed, harvested, baled and the ploughed again each year so there is likely to have been dust sources from this activity over the past 30 years and there has been no evidence of agricultural activity affecting the SSSI with the quarry in close proximity.

#### Conclusion

The applicant acknowledges the concerns of the objectors and can understand why people do not want quarries in their area, but as the landowner, who lives in the area, has been quarrying at Went Edge for over 30 years he has not seen any evidence of there being a deterioration of the conditions of the SSSI due to the quarry. As mentioned at the beginning of this statement I have been involved with the quarry since 1999 and I have seen no evidence the SSSI is affected by the quarry. The ecologist advising the company believes that the quarry may well have enhanced the SSSI as the margins of the quarry are unkept providing habitat for birds and invertebrates.

The management schemes in place at the quarry are obviously working as there are no dust deposits, no complaints about noise, occasional complaints about blasting, which have been monitored and found to be within the limits set on the planning permission. Traffic movements to and from the quarry are a complaint which reduce the speed on



Went Edge Road of other traffic users as lorries travel to the A1 to go south or north. There is no evidence that the extension to the quarry will affect the Brockadale Plantation based on the existing operation and the visual impact has been mitigated by a landscaping and planting scheme much the same as the previous ones granted planning permission.

The Planning Report deals with the issues in detail and delicately balances the potential impact of the quarry against the need for the mineral, the economic and social aspects of continued employment and the final benefit of the restoration of the site and I respectfully request that the Planning Committee grant planning permission for the extension of the quarry into Area 8.

I shall be happy to answer any questions that the members of the planning committee have.”

Following the public statements a representative of the Head of Planning Services presented the Committee report, highlighting the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy and planning considerations. The reports also provided a conclusion and recommendations. He provided details to address the issues that had been raised during the public questions/statements session which were also set out in the reports.

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

The presentation highlighted the following primary issues in relation to the application:-

- The principle of the proposed development;
- Need for the mineral;
- Impact on the Green Belt;
- Impact on the landscape;
- Impacts on the biodiversity, habitats, nature conservation and protected species, most particularly associated with Brockadale SSSI;
- Flood risk and drainage, water quality and resources;
- Local amenity (noise, vibration, light pollution) and air quality (emissions, odour and dust);
- Soils and agricultural land use;
- Highways matters- Traffic and transport;
- Public Rights of Way;
- The historic environment;
- Economic and social impacts including employment;
- Restoration and aftercare;
- Legal Agreement.

The Planning Officer updated the Committee on the following issues:-

- Additional objections received since the publication of the report
- A letter in relation to the application from Nigel Adams, MP
- The submission of an online petition objecting to the application for a number of reasons – there were 1,239 signatures with a number from out of the area and abroad
- None of the representations raised material matters different to those already raised



- and detailed within the published report
- Communication had been received from Kirk Smeaton Parish Council indicating that some details within the report were factually incorrect - the issues raised would be addressed during the presentation.
  - Natural England had contacted the Planning Officer stating that they are satisfied with the proposed conditions and that they were content that their concerns set out in their letter dated 30 April 2021 had been addressed and so had withdrawn their objection.

The following corrections to the report were outlined:-

Paragraph 2.15 - The water table is 13.8m AOD, 13m below the floor of the existing quarry and proposed extension area – this should read 6m below the floor

Paragraph 2.15 - The River Went is located in a limestone valley to the north of the existing quarry and proposed extension at a level of 22m AOD – this should read at a level of 20m AOD

Condition 33 - No excavation within Area 8 shall take place below 20 metres AOD at any time – this should read below 19 metres AOD.

Paragraph 9.2 – details of revisions to the Section 106 Legal Agreement being sought were outlined.

Members undertook a detailed discussion of the application and the following issues and points were highlighted during that discussion:-

- A Member expressed concerns that a further communication from Natural England referred to by the Planning Officer, indicating that they were satisfied with the proposal had not been made public. A copy of the letter, which appeared publicly on the Planning Portal, was provided. The Member suggested that the letter was unclear. In response it was stated that an email had been received prior to the meeting from Natural England confirming they were satisfied with the proposed conditions and were content that their concerns set out in their letter dated 30 April 2021 have been addressed and this was read to the Committee. The Member suggested that the email should also have been published.
- It was asked whether loss of views, which had been raised by objectors, was a material planning consideration. In response it was stated that impact on the landscape and openness were material concerns, but less weight was given to loss of views.
- It was asked whether the demand for the stone was a commercial issue rather than a material planning matter. In response it was stated that the demand for the stone was a commercial matter, driven by the markets, but there was an obligation for NYCC to ensure there was sufficient minerals available to meet the demand and to ensure that the land-bank remained at an appropriate level, therefore, a rolling programme was required.
- A Member noted that whatever the outcome of the application today, the work and buildings within the existing quarry would remain. In response it was stated that whilst some of the industrial practices currently taking place had the appropriate planning permission in place, others were currently under investigation to determine whether planning permission had been given. However, this was not material to the current application and it was emphasised that there were no proposals for additional use or industrial development within Area 8, the application site.
- It was clarified that, in relation to openness in the Green Belt, planning permission was not required for the planting of hedgerows, and this could be carried out by any

appropriate party. It was noted that the planting of hedgerows provided an opportunity for ecological diversity.

- It was clarified that a new Section 106 agreement being sought would see the restoration and aftercare for the site moved to the responsibility of the applicant, rather than a third party provider. It was emphasised, after a Member raised concerns about this, that the legal agreement was enforceable, in a similar way to a planning permission, and any deviation away from the agreement being followed could lead to enforcement action being taken.
- A Member requested details of what the restored land would be like and what would happen to the soil that was stripped back during the extraction of the stone. In response it was stated that the restoration would provide a gently sloping feature with calcareous, open grassland, woodland and areas of water. In relation to the soil it was stated that this would be stripped down to around one metre and investigations would be undertaken in relation to any possible archaeological features that may be present. The top soil and sub soil would be retained on the site, seeded and planted, and used in the restoration plan.
- It was asked why the applicant had not sought to obtain planning permission for the extraction of stone from the land when the current planning permission was obtained. In response the Planning Officer stated that there was no obligation for the applicant to do this and there was no requirement to divulge future intentions, however, circumstances in terms of land ownership could have changed over time, resulting in the application.
- The principle of need for the stone was reiterated, for North Yorkshire and the sub-region in response to a request for clarification from a Member. A Member raised concern that the principle of need was based on figures obtained in 2016 and considered the figures to have been manipulated to highlight that principle. The suggestion that the figures had been manipulated was refuted and it was emphasised that further documents since then had indicated the need for magnesium limestone in North Yorkshire and the sub-region. It was also noted that the agent for the applicant had highlighted a shortfall of the stone for projects in Leeds and York, demonstrating the need. The Member considered that the agent was obliged to argue the case for a need for the stone and suggested that the majority would be for use outside of Selby and North Yorkshire. He considered that the issue raised earlier in respect of those signing the petition being from outside the area should equally be applied to the use of the stone. In response it was emphasised that it was understood that not all the stone was for the area, but the market for the product was not a material planning consideration. In terms of the petition it was noted that the highlighting of the areas from where signatures had been obtained was to demonstrate the breadth of concern regarding the proposal and it was emphasised that equal weight had been given to those opposing and those supporting the application.
- A Member stated that the quarry was not currently producing stone. In response it was stated that, at the time when the application was submitted stone was still being extracted. The quarry was currently producing sand, and would return to extracting stone should the application be approved to meet the need identified. The Member suggested that in terms of the workforce currently employed there the success of the application would have little impact on their employment. He also noted that despite claims that there were no plans to expand the industrial practices and businesses in the application site, there had not been in the original quarry, therefore this was not a guarantee that this would not take place. The Planning Officer emphasised that for the purposes of the application before Members there were no proposals for expanding to other uses, therefore the application should be determined on that basis.
- In terms of the restoration plan, a Member noted that the land was for sale and asked who would be responsible for the restoration should the land be sold. In response the

Committee's Legal representative clarified that the purchaser of the land would be responsible for the restoration as set out in the Section 106 Legal Agreement, and this would be made clear when the sale took place through the Land Charges notification, produced at the time of the sale.

- A Member noted that Natural England had stated that they were opposed to the application unless suitable protection was put in place for the adjacent SSSI, but he could not find a Condition that provided that. In response it was stated that Condition 39 provided that assurance. The Member stated that he was not sure that the Condition provided the assurance that Natural England had required, but noted that they had withdrawn their objection.
- A Member referred to the agent's statement relating to the weight that should be attributed to the Planning Officers and experts at NYCC in terms of their interpretation of the application. He noted that the Council's Landscape Architect had objected to the proposal initially, and sought clarification as to when the Officer's opinion had changed. The Planning Officer stated that Section 4 of the report highlighted the views on landscape, with paragraph 4.54 indicating the comments of the Landscape Architect, which had been provided initially in November 2019 and updated in May 2020. The acceptance of some aspects of the proposal were outlined. The Member stated that he could not find details of the Landscape Architect changing his initial objections to the application on the Planning Portal, noting that the most recent response maintained an objection and highlighted a number of issues that were considered to be unacceptable. Details of the most recent response (May 2020) were displayed to the Committee, and the Member noted that this stated that there were elements of the proposals that were considered to be unacceptable, including the openness of the Green Belt. The Planning Officer emphasised that it was unclear whether the reference within the response was to the letter or the Green Belt, and noted that the development was acceptable in the Green Belt. He noted that the District Council had stated that the proposals were not unacceptable in the Green Belt, that openness would not be affected, that it was not in conflict with policies and, consequently, did not raise an objection on the impact on the landscape. The Planning Officer stated that he had utilised the information provided to produce a balanced report and fully reflect the information provided on each issue. The Head of Planning Services stated that reports were developed utilising a mixture of the information provided by consultees, and interpreted accordingly. The Chairman emphasised that Members would take account of the issues raised and make a decision as they thought appropriate. The Member accused the Planning Officer of providing a biased and misleading report, and that he had lied in relation to the comments submitted by the Landscape Architect. The Planning Officer raised concerns regarding the language being used by the Member, the accusations made, being in the public domain and recorded, and then sought advice from Committee's Legal representative as to acceptability of the Member's continued use of such language. The Committee's Legal representative stated that it was correct for the Planning Officer to interpret the responses provided for the production of the report, and the Member was entitled to express an opinion on that, however, it was not acceptable for the Officer to be accused of lying and Members should be mindful of the terminology they use. The Committee's Legal representative referred members to the Council's Code of Conduct. The Chairman emphasised that the terms used by the Member were unacceptable and consideration would be given as to whether the matter would be referred for investigation. The Member reiterated that he did not believe that he was being provided with an accurate interpretation of what the Landscape Architect had submitted in response to the matter.
- A Member considered that there were sufficient resources of this type of stone available for the next 10 years, with a number of other quarries in the area also having permission to extract this, and questioned the need for the quarry extension.

The Planning Officer acknowledged that other quarries were extracting the stone, but noted that there were time limits in terms of their viable production, and the need to maintain the land-bank of the resource was a justification for the application. A rolling programme of extraction was required to maintain the availability of the stone, and the extension to this existing quarry would make a valuable contribution to that. The Member considered that there would be sufficient stone available without the extension.

- It was clarified that the application did not conflict with the NPPF or the emerging Selby Local Plan as exceptions for such activity were allowed within the Green Belt, where it was not considered to be inappropriate, and this was not felt to be.

Members summed up their consideration of the report and the following points were made:-

- The application was finely balanced in terms of the need for the stone and the impact on the local area.
- The SSSI had existed adjacent to the quarry for many years.
- A factor in applying for the planning permission could be the sale of the land – the Committee’s Legal representative emphasised that land ownership, or the future of that, was not a material planning consideration and should not be taken account of in any decision.
- There were other examples of SSSIs alongside disused quarries in North Yorkshire, with restoration having not been undertaken as expected.
- The proposal would not bring any benefit to the neighbouring communities.
- There was no need for the stone.
- The Landscape Architect did not support the application as presented.
- The quarry would be closer to the SSSI. There were only two SSSIs in the Selby District and they required protection.
- The restoration scheme would assist the environment and would be beneficial to the area.

**Resolved: - that, subject to any comments Members may have, the following be proposed to the Chief Executive Officer for consideration under his emergency delegated powers:-**

the application be approved for the reasons stated in the report, subject to the amendments detailed above, in accordance with the conditions outlined, subject to the amendment to Condition 33, detailed above, and subject to the successful completion of a Section 106 agreement, as detailed.

## **219. Items dealt with under the Scheme of Delegation**

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 2 March 2021 to 13 April 2021 inclusive.

**Resolved -**

That the report be noted.

## **220. Publication by Local Authorities of Information about the handling of Planning Applications**

Considered -

The report of the Corporate Director - Business and Environmental Services outlining the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 4, the period 1 January to 31 March 2021.

**Resolved -**

That the report be noted.

The meeting concluded at 14.05

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## North Yorkshire County Council

### Business and Environmental Services

#### Planning and Regulatory Functions Committee

8 JUNE 2021

**C1/21/00022/CM - PLANNING APPLICATION FOR THE PURPOSES OF THE ERECTION OF AN AGGREGATE BAGGING PLANT INCLUDING A BAGGING BUILDING AND BULK BAGGING PLANT, TICKET OFFICE, WELFARE BUILDING, CREATION OF HARD STANDING, SEWAGE TREATMENT PLANT AND SITE LEVELLING WORKS ON LAND AT KILLERBY QUARRY, LOW STREET, NORTH YORKSHIRE, DL10 7PY ON BEHALF OF TARMAC TRADING LTD (HAMBLETON DISTRICT) (CATTERICK BRIDGE ELECTORAL DIVISION)**

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

#### **1.0 Purpose of the report**

- 1.1 To determine a planning application for the erection of an aggregate bagging plant including a bagging building and bulk bagging plant, ticket office, welfare building, creation of hard standing, sewage treatment plant and site levelling works on land at Killerby Quarry, Low Street, North Yorkshire, DL10 7PY on behalf of Tarmac Trading Ltd.
- 1.2 This application is subject to an objection having been raised by a local resident on the grounds of the cumulative impact of development and the impact of noise and other nuisance and is, therefore, reported to this Committee for determination.

#### **2.0 Background**

##### Site Description

- 2.1 The application site is a 'greenfield' site currently in agricultural use and is within the wider quarry site which is being prepared for minerals extraction. The program to start has been confirmed by the applicant to be in July or August 2021 for processing, stating within this period there will be a commissioning period that will be at reduced volumes and intermittent working. To the north-east is Kiplin Hall and Kiplin Park to the east but a little distance further, lies the village of Great Langton (approximately a kilometre straight-line distance); just over a kilometre, straight-line distance to the south-east lies the villages of Kirkby Fleetham, Great Fencote and Little Fencote. To the immediate south lie a number of individual properties, namely, Broad Close, Hook House Farm, Glebe Farm and, further south, Fleetham Lodge and Melton House; to the immediate west of the application site lies the north-south aligned A1 Motorway (with the village of Hackforth due south-south-west and East Appleton to the west again beyond the A1(M)) and, to the north-west, lie the Ministry of Defence land holdings at Catterick and beyond that lies Catterick village itself (a kilometre distant). North-north-west lie the villages of Ellerton and Bolton-on-Swale beyond.
- 2.2 The A6055 flanks the western boundary of the quarry site, as shown on the committee plan attached to the report as Appendix A. The A6055 is an 'A' class road for the section in proximity of the application site. This road is part of the previous A1 upgrade works and runs parallel to the A1(M), which links the proposed application site on Low Street to the new A1(M) via a new central junction, located at Catterick to the north and the

Leeming Bar A1(M) junction to the south, providing access to both the north and southbound carriageways at both junctions.

### Planning Constraints

- 2.3 From a landscape perspective, the application site and surrounding area fall within the National Character Area (NCA) profile 24, the 'Vale of Mowbray'. A nationally designated site for nature conservation (designated by Natural England under the provisions of Section 28 of the Wildlife and Countryside Act 1981 (as amended)), the 'Swale Lakes' Site of Special Scientific Interest (SSSI), is situated circa 2.9km to the north of the application site.
- 2.4 According to the Environment Agency's (EA) online Flood Map the site is over 250 metres from Flood Zones 2 and 3. Other parts of the wider area subject to the minerals planning consent, to the east and in and around Killerby Hall fall within Flood Zone 2.
- 2.5 To the north of the application site is Killerby Hall historic park and gardens for which the stable block is the closest listed building to the proposed development over 250 metres from the site. Killerby Hall wider site includes the hall itself, hall cottages and a pair of large agricultural buildings, To the north-east of the application site, adjacent to Ellerton Quarry is the Jacobean historic house of the Grade I listed building of Kiplin Hall. To the east of the application site is situated Hook Car Hill Farmhouse which is a Grade II listed building.
- 2.6 A Public Right of Way (PRoWs) (a footpath) traverses across the centre of the wider quarry site on a south-east/north-west alignment from its connection to the public highway of Lumley Lane, travelling north-west to Broad Close Farm and then on toward Killerby Hall, this public right of way is over 250 metres from the proposed site. Another PRoW (also a footpath) skirts the application site southern boundary and for a short distance lies immediately adjacent. This second public footpath is aligned south-west/north-east and links Low Street, through the land holding of Hook House Farm and north-east toward Kirkby Fleetham Hall and is also over 250 metres from the proposed site.

### Planning History

- 2.7 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- C2/10/02487/CCC - Killerby Sand and Gravel Quarry, Killerby, North Yorkshire, DL10 7PY, Extraction and processing of sand and gravel including the construction of a site access, conveyors, bridges, associated plant and machinery with restoration to agriculture, nature conservation and wetland. This was granted permission on 4 April 2018 and has been implemented.
  - NY/2019/0175/SCR – Request for a formal screening opinion for a ready mix concrete 'RMX' plant and a bagging plant adjacent to the approved plant site, was issued on screening opinion issued on 1 November 2019. This stated that an Environmental Statement was not required to be submitted with any planning application.

## **3.0 The Proposal**

- 3.1 Planning permission is sought for the erection of an aggregate bagging plant including a bagging building and bulk bagging plant, ticket office, welfare building, creation of hard standing, sewage treatment plant and site levelling works on land at Killerby Quarry, Low Street, North Yorkshire, DL10 7PY on behalf of Tarmac Trading Ltd.
- 3.2 The application site is 3.77 hectares. The existing site is an arable agricultural field to the south of the quarry's approved plant site. The site has sloping topography and ground preparation works are required to create a level platform. The site would tie in

to the plant site and haul road to the north at 42mAOD (as shown on Appendix B, location plan attached to this report), lowering the ground level to minimise the visual impact of the bagging plant. The soil would be removed prior to works and safeguarded in accordance with the soil management plan.

- 3.3 The proposal consists:
- The main bagging plant building,
  - A smaller building for bulk bagging
  - A yard with aggregate storage bays on two sides (closed and open)
  - Bagged aggregates stocking area.
- 3.4 The bagged aggregates stocking area would consist of a concrete hard surface covering an area of approximately 10,000 metres squared, this is shown on the proposed site plan attached to the report as appendix C and C (a). The bagging plant building would be 24m in length by 19m in width, with 8.7 metres in height. The bulk bagging building would be 16.5m in length, 5.3 metres in width and 5.9 in height. Ancillary buildings include a welfare building 12.2 metres in length, 3.4 metres in depth and 2.6 metres in height. The welfare building would be coloured light grey. The ticket office would be 6.1 metres in length, 3.4 metres in depth and 3.4 metres in height. The ticket office would also be coloured light grey. A HV transformer would be required for electricity which would be approximately 3 metres in length, 3 metres in depth and 2 metres in height and is proposed to be a recessive green in colour and be protected with palisade fencing. The site sections showing this information are shown in Appendix D attached to this report. The site would be limited to low level LED lighting cowed away from the southern and western boundaries to avoid light spills above 1lux.
- 3.5 Aggregate would be transported by dump trucks to the yard and stored in bays, with assistance from front loading shovels. When required aggregate would be fed into hoppers located outside the bagging plants and be fed into the respective bagging process. Once complete the bagged aggregate and bulk bags would be transported on pallets by eight forklift trucks. Forklifts would also be used to load HGV's with bagged aggregate for distribution. It is proposed products would be stacked on pallets no more than 3m above the yard level and the bulk bag stock would be stacked no more than 2m high. A treatment plant would be installed for foul drainage and would be designed to discharge into the sites drainage system.
- 3.6 Materials imported for use on site would be loose aggregates for bagging and consumables such as packaging (plastic bags and Bulk bags) and pallets. Approximately 55% of aggregates to be handled would originate from Killerby Quarry, delivered direct to the storage by areas by dump trucks. The other 45% of aggregates would be imported to the site by road directly to the storage area and where possible backfilled with aggregate from Killerby Quarry for distribution in the surrounding market area. The Scorton bagging plant this facility replaces imported approximately 40% of aggregates to the site which is a similar number to the proposed. It is proposed the estimated production of bagged aggregate is expected to be 140,000 tonnes and a gate house would be in place for incoming and outgoing vehicles. It is anticipated 75% of trips would not be new trips as these vehicles currently return to Killerby Quarry unladen to be loaded, making an efficient use of the vehicle fleet.
- 3.7 The access to the site would be off the public highway via the existing quarry access on Long Lane. This would be via the Quarry's internal hard surfaced road network, circumventing the site office and parking area for the quarry. This internal road network is already in place and would be extended through this application to reach the bagging plant area south of the plant site. The development would result in a small increase of vehicle movements with 23 per day (46 two way movements). The routing would use Low Street and the A6055, which are routes to the A1 (M) in the north and south.

- 3.8 The hours of operation would be the same as the quarrying permission for which the plant would be:  
Monday to Friday 07:00 to 19:00  
Saturday: 07:00 to 13:00  
Closed on Sundays and Bank and Public Holidays.
- 3.9 The hedgerow and trees on the site would be retained due to their value until a time under the quarrying permission where they are required to be removed. In the interim an easement gap is required along the western, southern and eastern boundaries of the site..
- 3.10 The bagging plant site level would be lowered to 43m AOD from 46m AOD to tie in with the plant site for minerals extraction to the north. This would involve the sub-soil, top-soil and overburden being stripped from the bagging plant site and stored within the wider minerals extraction site as shown on Appendix E, the soil management plan attached to this report. In regards to restoration, the bagging plant and all associated plant, buildings and infrastructure (including areas of hardstanding) would be removed before the start of Phase 5 of Killerby Quarry and once quarrying operations have ceased the site would be restored as per the minerals extraction restoration scheme. Appendix F attached to this report shows the minerals extraction phasing scheme. The bagging plant is not shown on this plan but it is to be located south of the plant site within the Phase 5A area for extraction.
- 3.11 The bagging operation is required to replace the existing bagging plant at Scorton Quarry, as operation there will come to an end. The Scorton bagging plant permission (ref. C1/16/00784/CM) is controlled through condition 1 which authorises the use of the site until 31 December 2022. The agent states bagging aggregate at source in proximately to source would reduce transport distances and as well as maximising the number of vehicles that are able to back haul by importing aggregate. The bagging plant would employ approximately 12 employees.
- 3.12 The application includes a Landscape and Visual Impact Assessment (LVIA) which states the impact of the development on the landscape character of the area would be limited to the site itself and a very localised area approximately 0.5km of the site, which is within the quarry site boundary. It states effects would not exceed slight adverse with very limited perception of the development in the area and the proposed development would be similar in nature to the quarry plant site. The existing trees and hedgerows would be retained and gapped up with species-rich native trees and shrubs. In regards to visual impacts this would be limited to a localised area within approximately 1km of the site. The most prominent impact it states would be through the diverted footpath as they pass the western boundary of the site, with effects being moderate to substantial adjacent to the site and plant site and reducing to slight outside the site area. In regards to surrounding properties these would not experience impacts greater than slight to moderate adverse due to intervening vegetation and quarry screening bunds. It is therefore concluded the landscape and visual effect would be long term but temporary as the development would be removed at phase 5 of the quarrying operations.
- 3.13 The application includes a noise impact assessment outlines five residential receptors these are:
- ML1 Killerby Hall North of the proposed development. This receptor is located at a greater distance from the proposed Bagging Plant than Existing Sensitive Receptor 1 (ESR1) and Existing Sensitive Receptor (ESR2);
  - ML2 Broad Close Farm At ESR1;
  - ML3 Broad Close Cottage At ESR2;



- ML4 Glebe Cottage South of the proposed development. These receptors are located at a greater distance from the proposed Bagging Plant than ESR1 and ESR2;
  - ML5 Hook House Farm.
- 3.14 The noise impact at the site is considered by the applicant to be the highest at ESR1 and ESR2, therefore noise surveys have been completed at these properties. Due to the proposed use of the site being 07:00-19:00 only the daytime period would be considered. The BS4142 assessment has been undertaken by the applicant to assess the noise impact of the proposed site and indicates the proposal has potential to cause a low impact depending on context. The bagging plant is located within the quarry and is considered to not increase the noise above the already conditioned noise of 55dB(A) and therefore the potential noise impact would be low. The assessment concludes broadband noise reversing alarms would be fitted for mobile plant at the proposed site and a noise condition should be added to ensure the existing quarry and bagging plant should not exceed 55dB(A).
- 3.15 The application includes an air quality assessment which states the air quality and dust impacts associated with the operation of the bagging plant, which states there are no sensitive receptors located within 250m of the proposed development. The applicant has updated the dust management plan for Killerby quarry to include the bagging plant and the mitigation within this would reduce the impact of dust at the site. The mitigation includes the access road being cleaned and swept to ensure mud and debris are removed from the road, a wheel cleaning facility approximately 100 metres from the site entrance, the site access route and internal haul road being regularly maintained, a continuous water supply for dust suppression, a water bowser shall be maintained at site at all times, stockpiles shall be less than 3 metres, a meteorological station and the sheeting of HGV's to the site.
- 3.16 The application includes a soil management plan which states the stripping of topsoil, subsoil and overburden is required to create a level platform on which to build the bagging plant and stockpiling area, Appendix E attached to this report shows the soil storage areas within the wider quarry site, the placement of soil resources within the quarry sites bunds the applicant states would avoid the need for double handling of soils. The soils would be stored separately and ensure upon the restoration of the site that maintaining agricultural land of BMV quality is achievable. It has been calculated that the land on which the bagging plant is placed is subgrade 3a and has been identified as BMV agricultural land, this survey was completed 10 years previous to this however it is unlikely to have changed in the intervening period. Soil handling measures have been put in place to conserve the quality of soil and stop damage to soil structure. The handling measures include no trafficking of vehicles/plant or materials storage outside designated area, soils should be moved under the driest practicable conditions and no works to be carried out during periods of significant rainfall.
- 3.17 Soil stripping would be scheduled for drier months of April to October, although this could be extended should soils remain in a friable condition. Topsoil would be stripped to 30cm below ground level within local variations on site (approximately 6,645m<sup>3</sup>), subsoil would be stripped to 80cm below ground level (approximately 11,075m<sup>3</sup>) and overburden stripped between 0.80m-3.25m (approximately 54,290m<sup>3</sup>). The topsoil height must not exceed 3.5m and the subsoil stockpile must not exceed 5m, the gradient of stockpiles should not exceed 1 in 3 to enable maintenance. To maintain the stockpiles grass will be cut 2 to 3 times a year before being reinstated. Aftercare would comprise the maintenance of the site of a five year period to ensure the successful establishment of the agricultural and the margins, with the aims of repair and maintenance of fencing, annual removal of pernicious weeds from the grassland sward and conservation of the flora and fauna of the newly established grassland.

- 3.18 The application includes an ecological appraisal which states there are no SSSI's within 2km of the site however the Swale Lakes SSSI is 2.9km from the application site, which is designated due to breeding birds and wintering wildfowl and waders. In regards to bats the wider quarry site recorded a good range of species but mainly the common and soprano pipistrelle bat, there are though better quality bat habitats north of the site in the river swale corridor. All trees which have a moderate or high suitability for roosting bats are to be retained. There are no suitable habitats in the site for great crested newts. A breeding bird survey in 2017 for the wider quarry site found valuable habitat for nesting birds around the river swale, with a number of uncommon species including kingfisher, a large sand martin colony, goosander, common sandpiper and shelduck. The appraisal states the hedgerows support the highest diversity and density of species of the habitats in the site. Historic field signs of badger use were identified on the site boundary, with active setts present in the wider local area.
- 3.19 The ecological assessment gives a mitigation strategy stating no further survey work is recommended but that three months before the start of works checks for badger activity is recommended. In regards to the site design lighting would avoid light spill of above 1lux to the western or southern boundaries. In regards to vegetation and tree felling this should be undertaken outside the bird nesting season, unless a checking survey is completed. In regards to working practices the roots and crowns of retained trees will be protected throughout the development. Mitigation measures include retained trees should be enhanced through provision of 6 bat and 6 bird boxes, a barn owl box in the wider site, boundary hedges will be gapped up with species rich native tree and shrub planting, re-profiled land around the boundaries of the site would be of low fertility subsoils and seeded with a native wildflower mix and operating hours would exclude night time working in the summer. The mitigation measures stated would be conditioned to stop any significant ecological impacts.

#### **4.0 Consultations**

- 4.1 The consultees responses summarised within this section of the report relate to responses to the initial consultation on 14 January 2021. Re-consultation on the application was undertaken on 25 February 2021, following the submission of further information requested by the consultees.
- 4.2 **Hambleton District Council (Planning) & Conservation** - No response has been received to date.
- 4.3 **Richmondshire District Council (Planning)** - No response has been received to date.
- 4.4 **Highway Authority** –The Highway Authority recently approved improvements to Low Street as part of the previous application and is therefore acceptable in terms of capacity and highways safety. There is visibility in both directions at the access measuring 215 metres by 4.5m which is acceptable and designed to the County Council's standards. The consultee requests a construction management plan condition which has been submitted by the applicant and the consultee has stated this is acceptable.
- 4.5 **NYCC Heritage - Principal Landscape Architect** –No objections in principle however comments the colour of the Main bagging building and bulk bagging building are to be Vandyke brown BS 4800/5252 [10 B 29] colour sheeting panels to reduce visibility, including roofing panels. The landscape officer requests further details on the external lighting in regards to a plan showing the lighting layout and numbers, further stating proposed hedgerow boundary improvement and gapping up to the site's southern boundary are to be implemented as advanced planting in the next available planting

season. Finally, the consultee states all buildings, structures, hardstanding and access roads to be removed on completion of extraction and restoration of the quarry. A further lighting plan and lighting management scheme has been submitted by the agent and the landscape officer has stated they are satisfied with the principles set out in the scheme and have no other comments or objections.

- 4.6 **NYCC Heritage - Ecology** - The development is temporary in nature and would be removed prior to phase 5 of the permitted Killerby Quarry extraction and that the restoration has been approved as part of the quarry application. The consultee states they agree with the findings of the appraisal and the proposed mitigation summarised in the planning statement at 7.3.10 to 7.3.13 are considered sufficient to mitigate for localised impacts and should be secured through a condition. A further response was received on 9 March 2021 stating, having reviewed the content of the CEMP, it is considered there is sufficient detail to deal with construction related ecological impacts and would leave the impact on the Swale Lakes SSSI for Natural England to comment on.
- 4.7 **Environmental Health Officer (Hambleton)** – no observations.
- 4.8 **Environmental Health Officer (Richmondshire)** – The consultee states they have considered the potential impact of the proposed development and the likelihood to cause a nuisance in Richmondshire as the site lies in close proximity to Hambleton District Council boundary. The response concludes there would be little or no impact to Richmondshire and the consultee has no objections.
- 4.9 **Ellerton on Swale Parish Council** No response has been received to date.
- 4.10 **Historic England** – A response was received on 13 January 2021 stating no comments and that Historic England are not required to be consulted again.
- 4.11 **Yorkshire Water Services Ltd** – No mains diversion would be required, due to not being located near a water main. The entrance to the site is off Low Street which crosses the water main and may require diverting. If the ground levels are not changed the developer should ensure the water main is protected during construction of the development. Therefore request a condition is required in relation to measures protecting the public water supply. A further response was received on 1 March 2021 stating no diversion of the water main is required as the access to the site is already in place as per requirements of previous permission.
- 4.12 **NYCC Public Rights of Way Team** - There is a public right of way within the existing consented minerals extraction area. The consultee states if the proposed development would affect the public right of way a public path order or diversion order would be required. If it is temporary then a temporary closure order would be required. The public right of way is required to be protected and public access retained. In this instance the public right of way is not in the application site area.
- 4.13 **Kirkby Fleetham with Fencote Parish Council** – No objection but would like to see light pollution kept strictly to a minimum, evening working hours shortened to be less intrusive to neighbours, and increased tree screening for Hook House barn conversions which look directly onto the site.
- 4.14 **Natural England** – No objection subject to appropriate mitigation measures being secured to prevent any damage to the interest features for which Swale Lakes Site of Special Scientific Interest. The consultee requests a Construction Environmental Management Plan (CEMP) to mitigate these adverse effects, which should be attached as a condition. The CEMP should include mitigation measures within the Ecological

Appraisal, with a particular focus on timing of works, the measures to avoid disturbance to foraging birds and a dust mitigation strategy.

- 4.15 **Killerby Parish Council** – A response was received stating no observations and there is not a Killerby Parish Council or Killerby Parish Meeting.
- 4.16 **Catterick Parish Council** – Responded stating no comments.
- 4.17 **Appleton East & West Parish Meeting** - No response has been received to date.
- 4.18 **Environment Agency York** – No objection to the proposed development. In regards to pollution prevention an informative is required to be added stating septic tanks must not discharge to surface water however if the foul disposal is actually by means of package treatment plant complain at with BS EN 12566, this may discharge to surface water. An environmental permit would be required by the Environment Agency.
- 4.19 **The Lead Local Flood Authority (SuDS)** – The submitted documents are limited and the LLFA recommends that further information is provided before any planning permission is granted. Further information including a flood risk assessment and drainage strategy and flood exceedance layout was submitted and the consultee stated that these were acceptable and requested standard detailed drainage design condition. The requested condition was a pre-commencement condition, the agent submitted further plans after this to avoid this pre-commencement requirement. The LLFA responded to this further information with a re-consultation response stating the documents demonstrate a reasonable approach to the management of surface water on the site and has no objections to the development.
- 4.20 **North Yorkshire Local Access Forum** - No response has been received to date.
- 4.21 **Swale & Ure Drainage Board** – The proposal lies within the Swale and Ure Drainage Board District and any works which will increase surface water or ground water from the site would require consent from the Drainage Board. Further stating any proposal to obstruct the flow or impede the surface water discharge from the site, which would also require consent from the drainage board.

#### Notifications

- 4.22 **County Cllr. Carl Les** – Was notified on 14<sup>th</sup> January 2021.

### **5.0 Advertisement and Representation**

- 5.1 The proposal has been advertised by means of a Site Notice posted on 21 January 2021 (responses to which expired on 11 February 2021). A Press Notice appeared in the Darlington and Stockton Times on 22 January 2021 (responses to which expired on 5 February 2021).
- 5.2 Neighbour Notification letters were sent on 19 January 2021 and the period in which to make representations expired on 9<sup>th</sup> February 2021. The following properties received a neighbour notification letter:
- Flintoft Builders, Broad Close Cottages, Low Street, North Yorkshire, DL7 0TR;
  - Broad Close Cottages, Low Street, North Yorkshire, DL7 0TR;
  - 1 Broad Close Cottages, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0TR;
  - Broad Close Farm, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SR;
  - Hook Carr Hill House, Hook Carr Hill, Kirkby Lane To Hookcar Hill, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SU;
  - Glebe Cottage, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SP;
  - Glebe Farm, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SP;
  - Glebe House, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SP;

- Denvon, Planetree Lane, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SS;
- Hook House Farm, Planetree Lane, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SS;
- The Byre, Hook House Farm, Planetree Lane, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SS;
- Hook House Farm Granary, Hook House Farm, Planetree Lane, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SS;
- Goose Nest Cottage, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SW;
- Brewery Cottage, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SW;
- New Cottage, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SW;
- Granary Cottage, Melton Court, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SX;
- Melton House, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SW;
- Old Brewery Cottage, Low Street, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SW;
- Barley Cottage, Melton Court, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SX;
- Malt House, Melton Court, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SX;
- Barley Lodge, Melton Court, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SX;
- Brewery Lodge, Melton Court, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SX;
- Hops House, Melton Court, Kirkby Fleetham, Northallerton, North Yorkshire, DL7 0SX;
- Killerby Hall Lodge, Track to Killerby Hall Lodge, Killerby, Richmond, North Yorkshire, DL10 7PY;
- Killerby Hall, Track to Killerby Hall, Killerby, Richmond, North Yorkshire, DL10 7PY;
- 2 Hall Cottages, Track to Killerby Hall, Killerby, Richmond, North Yorkshire, DL10 7PY;
- 1 Hall Cottages, Track to Killerby Hall, Killerby, Richmond, North Yorkshire, DL10 7PY.

- 5.3 A letter of representation has been received raising objections on the grounds of:-
- The impact on the noise;
  - Impact on traffic flow;
  - Impact on rural nature of the area;
  - Cumulative impact of development with solar farm.

## 6.0 Planning Policy and guidance

### The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
  - any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.
- 6.2 The *Development Plan* for the determination of this particular application comprises the following:
- The extant 'saved' policies of the North Yorkshire Minerals Local Plan (2006);
  - The extant policies of the Hambleton District Council Core Strategy (2007);

#### Emerging Plans:

- North Yorkshire Minerals and Waste Joint Plan (MWJP) (emerging)
- Hambleton Local Plan (emerging)



- 6.3 Due to the age of the saved policies, they have to be assessed against the more up to date National Planning Policy Framework 2019 (NPPF) to determine whether they are consistent with the NPPF and what weight should be attached to them.
- 6.4 Weight in the determination process may also be afforded to emerging local policies, depending on their progress through consultation and adoption. In this respect, there are emerging local policies in the Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority) (MWJP) and Hambleton Local Plan. Policies are afforded an increasing amount of weight as the Plans progress through their stages to adoption. The NPPF (paragraph 48) permits authorities to give weight to policies in emerging plans according to:
- *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
  - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - *the degree of consistency of the relevant policies in the emerging plan to the policies [in the NPPF] (the closer the policies in the emerging plan to the policies [in the NPPF], the greater the weight that may be given).*
- 6.5 The degree of weight to be attached to the MWJP must have regard to the fact that the draft Plan is still ‘under examination’ and, consequently subject to change. It must, therefore, be approached for development management purposes with an element of caution proportionate to the breadth and scope of representations made in respect of the content of the draft policies contained therein. The degree of weight should also be mindful of the fact that consultation on Main Modifications to the draft Plan has still to take place and, therefore, the precise policy wording may well be subject to change and will not become formal policy, to which full weight will be able to be afforded, until such time as the Plan is adopted. With regard to the Hambleton Local Plan the was considered at examination in October-November 2020, with a further hearing date planned for June 2021 as some representors were not notified of the previous hearings. Further to this Hambleton have prepared a further series of documents requested by the inspector which were out for consultation in April-May 2021. Therefore some weight can be apportioned to the policies, however it is not considered that at present significant weight can be given to these policies due to the stage in the process the district council is at. Nevertheless, consideration has been given to such as part of the assessment of the application in Section 7.0 to this report.

#### **North Yorkshire Minerals Local Plan ‘saved’ policies**

- 6.6 The North Yorkshire Minerals Local Plan was adopted in 1997 and in the absence of a more up-to-date Plan 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’ against which to assess minerals-related proposals.
- 6.7 The ‘saved’ policies relevant to the determination of this application are the general policies from Section 4 of the NYMLP which seek to protect the environment and local amenity from potential harm from minerals development. There are certain policies within the ‘saved’ local plan which are deemed not relevant to this application as the policy wording includes the term ‘mining operation’, which it is considered does not incorporate this type of development. The definition within the ‘saved’ local plan glossary is “*The winning and working of minerals in, on or under land, whether by surface or underground working*”. The policies which are considered relevant to this proposal are:

Environmental considerations:

- 'saved' Policy 4/6A – Nature Conservation and Habitat Protection – Local;
- 'saved' Policy 4/16 – Ancillary development etc.;
- 'saved' Policy 4/18 – Restoration to agriculture;
- 'saved' Policy 4/20 – Aftercare.

- 6.8 **'Saved' Policy 4/6a** - 'Nature Conservation and Habitat Protection – Local', states *"In making decisions on planning applications, the Mineral Planning Authority will protect the nature conservation or geological interest of Local Nature Reserves and of other sites having a nature conservation interest or importance, and will have regard to other wildlife habitats."* This Policy is consistent with paragraph 170 of the NPPF. Paragraph 170 states that that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. In terms of this application the effect of the proposal on the approved restoration scheme and how this would affect nature conservation and habitat protection are the relevant aspects of this policy.
- 6.9 **'Saved' Policy 4/16** - Ancillary and secondary operation states *'The Mineral Planning Authority will expect proposals for operations ancillary or secondary to mineral extraction to be sited, designed and maintained so as to minimise the impact on the environment and local amenity. The use of plant, machinery and buildings will be restricted to processes primarily using minerals produced from the site. Permission will normally be limited to the permitted life of the site for mineral extraction'*.
- 6.10 It is considered that the first element of this policy, relating to protecting the environment and local amenity, is in compliance with the principles of the NPPF in facilitating the sustainable use of minerals as outlined in Chapter 17, with particular reference to paragraph 204 and 205. It is noted that this application relates solely to an ancillary operation, and therefore, the policy is considered relevant to this application. It is, therefore, considered that full weight can be given to this policy in the determination of this application.
- 6.11 **'Saved' Policy 4/18** – 'Restoration to Agriculture', states that *'Where agriculture is the intended primary afteruse, the proposed restoration scheme should provide for the best practicable standard of restoration. Such restoration schemes should, where possible, include landscape, conservation or amenity proposals provided that these do not result in the irreversible loss of best and most versatile land.'* It is considered that the Policy does not conflict with the aims and objectives of the NPPF paragraph 205, therefore, should be given some weight in this instance.
- 6.12 **'Saved' Policy 4/20** – 'After-care', states *"Planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity (including nature conservation) will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified after-use. Normally this requirement will run for a period of five years following restoration. Additionally, where forestry and amenity (including nature conservation) afteruses are proposed, the Mineral Planning Authority may seek to secure longer term management agreements"*. This Policy is considered consistent with paragraph 205 of the NPPF. Paragraph 205 states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards. Therefore, full weight can be apportioned to this policy.

Hambleton Local Development Framework (2007)

- 6.13 Within the Hambleton Local Development Framework (adopted April 2007) a Development Policies document (adopted February 2008) has particular relevance in the determination of this application and the policies most relevant include:

- Policy CP1 - Sustainable Development;
- Policy CP2 - Access
- Policy CP12 – Priorities for employment development;
- Policy CP16 – Protecting and enhancing the natural environment;
- Policy CP17 - Promoting high quality design;
- Policy CP21 – Safe response to natural and other forces;
- Policy DP1 – Protecting Amenity;
- Policy DP3 – Site Accessibility;
- Policy DP16 – Specific Measures to Assist the Economy and Employment;
- Policy DP28 – Heritage Assets;
- Policy DP30 – Protecting the character and appearance of the countryside;
- Policy DP31 – Protecting natural resources: biodiversity & nature conservation;
- Policy DP32 – General Design;
- Policy DP33 – Landscaping.

6.14 **Core Strategy Policy CP1** looks at meeting local development needs in a sustainable way. In particular, it states that *“the use and development of land will be assessed against the community’s housing, economic and social requirements, protection and enhancement of the natural and built environment and minimisation of energy consumption and the need to travel. Development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted. Proposals will be supported if they promote and encourage or protect and enhance:*

- iii. the health, economic and social well-being, amenity and safety of the population;...*
- v. the quality of natural resources including water, air, land and biodiversity;*
- vi. the natural drainage of surface water;*
- vii. the vitality of the area;*
- viii. a high quality and adaptability of development;*
- ix. the character and quality of local landscapes and the wider countryside;*
- x. the distinctiveness, character, townscape and setting of settlements;*
- xi. the historic and cultural features of acknowledged importance”.*

6.15 It is considered that limited weight can be attached to the transport aspect of Policy CP1 as the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. However, it is considered that full weight can be awarded to the other aspects of the Policy as they are considered to be consistent with the environmental protection aims of the NPPF.

6.16 **Core Strategy Policy CP2 – Access** states *“Development and the provision of services should be located so as to minimise the need to travel. Convenient access via footways, cycle paths and public transport should exist or be provided, thereby encouraging the use of these modes of travel for local journeys and reducing the need to travel by private car and improving the accessibility of services to those with poor availability of transport.*

*Transport schemes that lead to improvements in accessibility will be supported. In considering development proposals, the potential for more sustainable means of transport related to the uses and users of the development must be addressed, including through the preparation of travel plans and the consideration of the scope to utilise local sourcing of materials and local supply chains.”*

6.17 This Policy is considered to be broadly consistent with the NPPF objectives of conserving and enhancing the natural environment as outlined within chapter 15 of the NPPF. Therefore, full weight is given to this Policy in the determination of this application.

- 6.18 **Core Strategy Policy CP12** states *‘support will be given to developing and sustaining the economy of Hambleton, through measures that are consistent with the proposals of the Regional Economic Strategy. Particular priority will be given to sustaining the development of key economic sectors or clusters; providing the conditions and support for Small and Medium Sized Enterprises to become established and grow; developing the District’s skills base; supporting the development of growth sectors; and supporting transport investment that will aid economic development.’* It is considered that limited weight can be attached to Policy CP12 as the regional spatial strategies were revoked in 2010. It is though considered that a small amount of weight can be awarded to the Policy as they it is considered to be consistent with the sustainable development and economic growth elements of paragraph 81 of the NPPF.
- 6.19 **Core Strategy Policy CP16** relates to protecting and enhancing natural and man-made assets. It states that *“development or other initiatives will be supported where they preserve and enhance the District’s natural and manmade assets.”* This policy is consistent with the NPPF’s objectives of conserving and enhancing the historic environment, as outlined in Chapter 16 of the Framework which relates to the preservation and conservation of Heritage Assets and therefore significant weight can be given to this policy in the determination of this application.
- 6.20 **Core Strategy Policy CP17** promotes high quality design in terms of the built development, including the standard of architecture, and in securing the best environment through landscape design. This policy is considered to be broadly consistent with the NPPF objectives for requiring good design as outlined within Chapter 12 of the NPPF which emphasises the government’s stance on the design of the built environment. Therefore, full weight is given to this policy in the determination of this application. This policy is also considered broadly consistent with the NPPF objectives of conserving and enhancing the natural environment outlined within Chapter 15 of the NPPF.
- 6.21 **Core Strategy Policy CP21** highlights that planning policies can potentially make a significant contribution to protecting the people and the environment of Hambleton from the consequences of natural or other forces, such as flooding, hazardous activities, pollution or noise.
- 6.22 This policy is considered to be broadly consistent with NPPF objectives of meeting the challenge of flooding (NPPF’s Chapter 14 refers) and the NPPF’s Paragraph 180 which aims, inter alia, include the avoidance of noise giving rise to significant adverse impacts on health and quality of life as a result of new development and, where this is not possible, the mitigation and reduction to a minimum of noise through conditions having regard to noise-sensitive/tranquil environments such as those “prized for their recreational and amenity value”. For these reasons, full weight is afforded to this policy in the determination of this application.
- 6.23 **Development Policy DP1** relates to the preservation of amenity. Specifically, this Policy states that *“all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight...  
...Developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants”*.
- 6.24 This Policy is considered to be broadly consistent with the NPPF objectives of conserving and enhancing the natural environment as outlined within chapter 15 of the NPPF. Therefore, full weight is given to this Policy in the determination of this application.



- 6.25 **Development Policy DP3** - All proposals for new development must include provision for sustainable forms of transport to access the site, and within the development. Measures commensurate with the development proposed must be incorporated as an integral part of the design of all development proposals, and could include where appropriate:
- i. footpaths, cycle ways, safe provision for cycle parking and cycle shelters;
  - ii. bus stops/shelters and transport information;
  - iii. support for sustainable forms of transport (eg community transport schemes, workforce buses);
  - iv. preparation and implementation of Travel Plans;
  - v. minimum levels of car parking, commensurate with road safety, the reduction of congestion, and the availability of alternative means of transport.
- 6.26 This Policy is considered to be broadly consistent with the NPPF objectives of the promoting sustainable transport as outlined within chapter 9 of the NPPF. Therefore, full weight is given to this Policy in the determination of this application.
- 6.27 **Development Policy DP16** states *“Support will be given to the following priorities in developing and sustaining the economy of Hambleton, and permission for related development will be granted, if also acceptable in terms of other LDF policies:*
- i. diversification in the range of economic activities, in particular encouraging employment opportunities in higher skilled jobs which are better able to capitalise on the skills of the resident population, and development in sectors likely to produce sustainable economic growth;*
  - ii. measures assisting the further development of the main industrial clusters represented in the area: particularly food, digital, biomedical and steel/engineering;*
  - iii. measures which provide infrastructure necessary to support economic development, in accordance with Policy DP6....*
  - v. increasing manufacturing productivity generally, including through encouragement to the development of support services, and supporting existing businesses to grow to realise their potential....*
  - ix. provision of mixed use sites, incorporating high quality layouts, landscaping and design, based on sustainable development principles....*
- 6.28 It is considered that significant weight can be given to Policy DP16 as the NPPF in chapter 15 states that planning applications should recognise the intrinsic character and beauty of the countryside and support thriving communities within it.
- 6.29 **Development Policy DP28** states that *“conservation of the historic heritage will be ensured by preserving and enhancing Listed Buildings and identifying, protecting and enhancing Conservation Areas”*. This Policy is consistent with the NPPF’s objectives of conserving and enhancing the historic environment, as outlined in Chapter 16 of the Framework which relates to the preservation and conservation of Heritage Assets.
- 6.30 **Development Policy DP30** seeks to ensure that the local landscape is protected from adverse impacts as a result of development. Specifically, this Policy states that *“the openness, intrinsic character and quality of the District’s landscape will be respected and where possible enhanced... Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques such as landscape character analysis to establish the local importance, and the key features that should be protected and enhanced, will be supported. Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features, particularly to landscapes which otherwise lack interest”*.
- 6.31 This Policy is considered to be broadly consistent with the NPPF’s objectives of conserving and enhancing the natural environment as outlined in Chapter 15 of the



NPPF. Therefore, full weight is given to this Policy in the determination of this application.

- 6.32 **Development Policy DP31** seeks to ensure that habitats are protected. Specifically, this Policy states that permission *‘will not be granted for development which would cause significant harm to sites and habitats of nature conservation, geological or geomorphological value, together with species that are protected or under threat. Support will be given (and permission granted for related development, if also acceptable in terms of other LDF policies) to the enhancement and increase in number of sites and habitats of nature conservation value, and in particular to meeting objectives identified in the proposals of the Biodiversity Action Plan. Sites designated under national legislation are shown on the Proposals Map (Sites of Special Scientific Interest - SSSIs, and Local Nature Reserves - LNRs), and will be protected under the terms of that legislation. Locally important sites are also identified (Sites of Importance for Nature Conservation – SINCs) and will be protected and enhanced as appropriate to their local importance. Outside the areas designated, the interests of nature conservation must be taken into account, in accordance with national guidance...  
...The restoration or creation of new habitats will be supported (and permission granted for related development, if also acceptable in terms of other LDF policies) where these contribute to the Biodiversity Action Plan, and to the targets, priorities and enhancement proposals of the RSS’.*
- 6.33 This Policy is considered to be broadly consistent with the NPPF’s objectives of conserving and enhancing the natural environment as outlined under Chapter 15 of the NPPF. Therefore, full weight is given to this Policy in the determination of this application.
- 6.34 **Development Policy DP32** of the Hambleton District Development Policies Document (2008) development policies document states that development proposals must respect local character and distinctiveness by enhancing its positive attributes whilst mitigating its negative aspects. The NPPF Paragraph 123-127 states the importance of planning positively. It is therefore considered that Policy DP32 does conform to the NPPF and considerable weight should also be given to this Policy in the determination of this planning application.
- 6.35 **Development Policy DP33** seeks to ensure that appropriate landscaping schemes are incorporated into development proposals. Specifically, this Policy states that *“landscaping of new development must be an integrated part of the overall design, which complements and enhances development, and:*  
*i. creates a visually pleasant, sustainable and biodiversity-rich environment;*  
*ii. provides for sustainable solutions including the use of Sustainable Drainage Systems (SUDS). Designs should respond to the potential implications of climate change. The use of sustainable construction materials will be encouraged;*  
*iii. protects and enhances key landscape features;*  
*iv. creates new features and areas of open space that reflect local landscape character;*  
*v. contributes to character, appearance and sense of place... “*
- 6.36 This Policy is considered broadly consistent with the NPPF’s objectives of requiring good design as outlined under Chapter 12 of the NPPF. Therefore, full weight is given to this Policy in the determination of this application.

Emerging Minerals and Waste Joint Plan (in examination)

- 6.37 Emerging local policies may also be afforded weight in the determination process, depending on their progress through consultation and adoption. In this respect, it is worth noting that the following document contains emerging local policies that are of relevance to this application:
- Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).

- 6.38 The emerging MWJP was published in November 2016 to receive representations and submitted to the Secretary of State for Communities and Local Government on 28 November 2017. While the Hearings have taken place the Plan continues to remain under 'examination'. The Main Modifications to the emerging MWJP Plan (reported to the County Council's BES Executive Members on 15th March 2019) upon which the Joint Authorities will consult in due course. *This "Draft schedule of Main Modifications to the Publication Draft document" dated 31 January 2019 is available on the NYCC website here: <https://www.northyorks.gov.uk/minerals-and-waste-joint-plan-examination>*
- 6.39 The degree of weight must have regard to the fact that the emerging Plan is still 'under examination' and, consequently subject to change. It must, therefore, be approached for development management purposes with an element of caution proportionate to the breadth and scope of representations made in respect of the content of the draft policies contained therein. The degree of weight should also be mindful of the fact that consultation on Main Modifications to the emerging Plan has still to take place and, therefore, the precise policy wording may well be subject to change and will not become formal policy, to which full weight will be able to be afforded, until such time as the Plan is adopted.

As the Joint Plan has been, and continues to be, produced post-publication of the NPPF, there is no requirement to include herein NPPF-consistency statements in respect of the emerging MWJP policies that follow below.

Strategic Policies for Minerals and waste supporting infrastructure policies

- I02 Locations for ancillary minerals infrastructure

Development Management Policies

- 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 and geodiversity;
- D08 Historic Environment;
- D09 Water Environment;
- D10 Reclamation and Afteruse;
- D11 Sustainable design, construction and operation of development;
- D12 Protection of agricultural land and soils;

- 6.40 **Emerging Policy I02** - Locations for ancillary minerals infrastructure states development of ancillary minerals infrastructure at active minerals extraction sites would be permitted when certain criteria are met. This criteria is the development produces added value or a complementary product based mainly on the minerals extracted on the host site, the development would not have significant additional adverse impact on local communities businesses or the environment, it would not unacceptably increase the overall amount of road transport to and from the host site and it should be linked to the overall life of the minerals extraction.
- 6.41 **Emerging Policy D01** - Presumption of sustainable development. The policy states there is a presumption in favour of sustainable minerals development and that 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.

- 6.42 **Emerging Policy D02** - Local amenity and cumulative impacts. The policy seeks to safeguard communities from any unacceptable impacts on local amenity, businesses and users of the public rights of way network as a result of:
- *noise,*
  - *dust,*
  - *vibration,*
  - *odour,*
  - *emissions to air, land or water,*
  - *visual intrusion,*
  - *public health and safety,*
  - *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.*

Part 2) states applicants are encouraged to conduct early and meaningful engagement with local communities and to reflect the outcome of those discussions in the design of proposals as far as practicable.

The main modifications document amends this policy to include reference to local communities and residents instead of the wording '*local amenity*'.

- 6.43 **Emerging Policy D03** - Transport of mineral and associated traffic impacts encourages the use of alternatives to road transport where practicable. It permits proposals where road transport is necessary, where there is capacity within the existing network for the level of traffic, and there would not be an unacceptable impact on local communities, businesses or other users of the network or any such impacts can be appropriately mitigated. It also requires suitable access and on-site parking and manoeuvring, and requires a transport assessment or green travel plan where significant levels of traffic are created.
- 6.44 **Emerging Policy D06** – Landscape: This policy states 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 mitigation measures. The AONB and other nationally designated areas would have a very high level of protection with any unacceptable impact on landscape in these areas not being permitted. Where proposals may have an adverse effect on landscape, a high standard of design, mitigation and landscape enhancement should be provided.
- 6.45 **Emerging Policy D07** - Biodiversity and Geodiversity. This policy permits proposals 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 mitigation measures proposed

The main modifications document amends this policy to add further protection to designated sites adding in regards to a SSSI that a proposal would "*only be permitted where the benefits of the development at that location clearly outweigh the impact to the SSSI features and the broader SSSI network*". It adds an extra point 5 in regards to defining locally important sites and point 8 in regards to cumulative impacts to be considered. The amendments to the policy are stated to provide further clarity to the policy.

- 6.46 **Policy D08** in regards to Historic Environment states: “1) *Minerals or waste development proposals will be permitted where it can be demonstrated that they will conserve and, where practicable, enhance those elements which contribute to the significance of the area’s heritage assets including their setting.*  
3) *Proposals that would result in less than substantial harm to the significance of a designated heritage asset (or an undesignated archaeological site of national importance) will be permitted only where this is outweighed by the public benefits of the proposal. Where proposals would lead to substantial harm to or total loss of the significance of a designated heritage asset (or an undesignated archaeological site of national importance), planning permission will be refused unless it can be shown that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the following apply:*  
i) *The nature of the heritage asset prevents all reasonable uses of the site; and*  
ii) *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*  
iii) *Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and*  
iv) *The harm or loss is outweighed by the benefit of bringing the site back into use.*
- 6.47 **Emerging Policy D09** - Water Environment states minerals proposals would be permitted where it can be demonstrate no unacceptable impacts would arise in regards to surface and groundwater, taking into account any mitigation which is provided. Proposals where necessary should include measures to contribute to flood alleviation and other climate change mitigation, through use of sustainable drainage systems.
- 6.48 **Emerging Policy D10** - Reclamation and Aftercare states: “*Part 1) Proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and, where appropriate to the scale and location of the development*”. The policy requires proposals to include community engagement, taken into account the context of the site and its environmental infrastructure, give rise to benefits to the area after restoration and aftercare, taken into account climate change, provided for progressive, phased restoration and provided a longer term implementation of management of the site. In addition to this the policy requires in Part 2 *that “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”* stating where relevant in BMV land area prioritising the protection and enhancement of soils and long term potential to create further BMV land during restoration and requires the promotion of significant net gains for biodiversity and creating biodiversity benefits.
- 6.49 **Emerging Policy D11** - Sustainable design, construction and operation of development: The policy aims to allow mineral developments where it has been demonstrated that measure appropriate and proportionate to the scale and nature of the development have been incorporated into its design, construction and operation in relation to a number of items including minimisation of greenhouse gases and the generation and utilisation of renewable or low carbon energy.
- The main modifications document amends the final paragraph of part 1 to reference hydrocarbons and add in that a climate change assessment should only be provided as ‘appropriate’.
- 6.50 **Emerging Policy D12** - Protection of agricultural land and soils: The policy seeks to protect Best and Most Versatile agricultural land from unnecessary and irreversible loss. Aftercare to a high standard of agricultural restoration should be achieved and developments are required to demonstrate that all practicable steps will be taken to conserve and manage soil resources in a sustainable way.

The main modifications document revises the 2<sup>nd</sup> paragraph second sentence to provide clarity adding the sentence “***Development which could lead to irreversible damage to blanket peat or other soil contributing to ecological connectivity or carbon storage will not be permitted.***”

#### Emerging Hambleton Local Plan

- 6.50 Emerging Hambleton Local Plan – Publication Draft – July 2019 was submitted for examination on 31 March 2020 but the date for the commencement of the Examination in Public has yet to be posted, due to this limited weight can be given to the following policies relevant policies:
- Policy S1, Sustainable Development Principles;
  - Policy S7, Historic Environment;
  - Policy E1, Design;
  - Policy E2, Amenity;
  - Policy E7, Hambleton’s Landscapes;
  - Policy CI2, Transport and Accessibility;
  - Policy RM3, Surface Water and Drainage Management.
- 6.51 **Emerging Policy S1** - ‘Sustainable Development Principles’ states that its purpose is to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change. Proposals are expected to make effective and efficient use of land, support existing communities, promote a range of business opportunities and ensure that development mitigates and adapts to improve local environments.
- 6.53 **Emerging Policy S7** - Historic Environment states heritage assets will be conserved in a manner appropriate to their significance and particular attention would be paid to the conservation of those elements which contribute most to Hambleton’s distinctive character. In particular the swale and Ure Washlands and their undulating topography. The policy states proposals affecting a designated heritage asset must conserve those elements which contribute to its significance. Harm to such elements would only be supported where it is clearly justified and outweighed by the public benefit.
- 6.54 **Emerging Policy E1** - ‘Design’ states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function. Proposals will be supported through this policy where they respond positively to its surrounding to help create distinctive, high quality and well-designed places; where they do not have an unacceptable impact on the amenities of neighbouring land and buildings or the wider area.
- 6.55 **Emerging Policy E2** - ‘Amenity’ requires a proposal to ensure that significant effects of overshadowing are not developed, the design and separations of buildings are not oppressive or overbearing with no result of loss of privacy through overlooking and that adverse impacts can be made acceptable – including impacts devised through noise.
- 6.56 **Emerging Policy E7** - ‘Hambleton’s Landscapes’ states that proposals that seek to conserve and enhance any existing tree, hedgerow or woodland of value will be supported. This policy also takes account of areas that have been identified as being particularly sensitive to/ or suitable for certain forms of development.
- 6.57 **Emerging Policy CI2** -Transport and Accessibility states a proposal would be supported where it would be demonstrated, through production of a travel plan and transport assessment as necessary that it is located where the highway network can



satisfactorily accommodate the traffic generated by the development, the proposal should retain and enhance public rights of way, the travel plan should set out measures to reduce the demand for travel, safe physical access can be provided to the proposed development, adequate provision for servicing and emergency access and adequate provision for parking taking into account highways safety, accessibility, the need for users now and in the future.

- 6.58 **Emerging Policy RM 3** - 'Surface Water and Drainage Management' states that support will be given to schemes where they do not result in unacceptable harm to landscape character, have an adverse environmental, social or economic impact or increase flood risk in other areas. The district council encourages the inclusion of surface water and drainage design from the outset to ensure that these issues are addressed as part of a holistic approach to the design of development and reference to policy E1 'Design' is recommended.

Other Policy considerations:

National Planning Policy Framework (2019)

- 6.59 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.60 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development as that which fulfils the following three roles:
- a) ***“an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;***
  - b) ***a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and***
  - c) ***an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”***
- 6.61 Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- i.) *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - i.) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.*
- 6.62 This national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure.

- 6.63 **Paragraph 48** of the NPPF states in regarding to emerging local plans that *“Local planning authorities may give weight to relevant policies in emerging plans according to:*
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”*
- 6.64 **Paragraphs 54-57** of the NPPF relate to ‘Planning conditions and obligations’. Paragraph 54 states that *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”*. With regard to planning obligations paragraph 56 states that *“Planning obligations must only be sought where they meet all of the following tests:*
- a) necessary to make the development acceptable in planning terms;*
  - b) directly related to the development; and*
  - c) fairly and reasonably related in scale and kind to the development.*
- 6.65 **Paragraph 102** within Chapter 9 (Promoting sustainable transport) of the NPPF states *“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*
- a) the potential impacts of development on transport networks can be addressed;*
  - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
  - c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
  - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
  - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.”*
- 6.66 **Paragraph 103** within Chapter 9 (Promoting sustainable transport) of the NPPF states *“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*
- 6.67 **Paragraph 104** within Chapter 9 (Promoting sustainable transport) of the NPPF states *“Planning policies should:*
- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;*

b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;

c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

e) provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and

f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy”.

- 6.68 **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.”
- 6.69 **Paragraph 110** states that “within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.
- 6.70 **Paragraphs 117 and 118** within Chapter 11 (Making effective use of land) of the NPPF state “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land” (paragraph 17). With Paragraph 118 stating “Planning policies and decisions should:
- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

- b) *recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
- c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);*
- e) *support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.”*

6.71 **Paragraphs 124-27** within Chapter 12 (Achieving Well Designed Places) of the NPPF state that local and neighbourhood plans should develop robust and comprehensive policies that set out a clear design vision and expectations of development that will be expected for the area. Such policies should be based on stated objectives and designed with local communities, so they reflect their local aspirations, and are grounded in an understanding and evaluation of each areas defining characteristics. *“Planning policies and decisions should aim to ensure that developments:*

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visits*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

6.72 **Paragraph 170** within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. These include:



- a) *“protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

6.73 **Paragraph 175** within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF states *“When determining planning applications, local planning authorities should apply the following principles:*

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

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

- 1. *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*



2. *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
3. *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

- 6.75 **Paragraph 189** within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states that *‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.*
- 6.76 **Paragraph 190** within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states that *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*
- 6.77 **Paragraph 192** within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states that when *determining applications, local planning authorities should take account of:*
- a) *“the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) *the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 6.78 **Paragraph 193** states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 6.79 **Paragraph 194** states that *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
  - b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

- 6.80 **Paragraph 195** within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
  - b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
  - c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
  - d) *the harm or loss is outweighed by the benefit of bringing the site back into use.”*
- 6.81 **Paragraph 196** states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

National Planning Practice Guidance (PPG) (2014)

- 6.82 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following sections: -

Noise:

- 6.83 The PPG confirms the need for noise to be considered in taking decisions on proposed developments having regard to the effects of potential noise from new developments and on existing developments. The (Noise) PPG identifies how local planning authorities should determine the impact or effect of noise by considering the following:
- *‘whether or not a significant adverse effect is occurring, or likely to occur’;*
  - *‘whether or not an adverse effect is occurring, or likely to occur’; and*
  - *‘whether or not a good standard of amenity can be achieved’.*
- 6.84 In addition to the above the (Noise) PPG also offers guidance on identifying *‘whether the overall effect of noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed effect level for the given situation’.* The (Noise) PPG sets out the observed effect levels as being:
- *‘significant observed effect level: this being the level of noise exposure above which significant adverse effects on health and quality of life occur’;*
  - *‘lowest observed adverse effect level: this being the level of noise exposure above which adverse effects on health and quality of life can be detected’; and*
  - *‘no observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected’.*
- 6.85 The Noise PPG guidance split the mitigation which can be put in place to reduce impact into four categories, these are engineering by reducing the generation of noise at the source, layout optimising the distance between the source and noise sensitive receptor, planning conditions obligations to restrict activities or specify specific levels and finally mitigating the impact on areas like to be affected. A further part of the Noise PPG is in regards to the effect of noise on wildlife, in particular stating consideration needs to be given to the potential effects of noisy development on international, national and locally designated sites of importance for biodiversity.

## 7.0 Planning considerations

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are principle of the proposed development, local amenity, landscape and visual impact, soils and restoration, habitats, nature conservation and protected species, the historic environment, drainage and flood risk and highways matters.

### Principle of the proposed development

7.2 It is noted that the proposed development seeks to install an aggregate bagging plant to support and enhance business at the quarry site. The application site is currently part of the Killerby Quarry site which has an extant permission where minerals extraction has already been established ref. C2/10/02487/CCC, dated 4<sup>th</sup> April 2018. This application is a standalone permission for an ancillary development on the site, to bag the mineral extracted at the site and also in part imported to the site. At the present time, the site is being prepared for mineral extraction to take place at Killerby Quarry. North Yorkshire Minerals Local Plan 'saved' Policy 4/16 is in regards to ancillary development is relevant to this application this policy requires ancillary operations to be sited, designed and maintained to minimise the impact on the environment and local amenity, with its use being linked to the minerals produced on this site and limited to the permitted life of the quarry. Further to this the emerging Minerals and Waste Joint Plan includes Policy I02 in regards to locations for ancillary minerals infrastructure states criteria for where ancillary development would be permitted. Policy I02's relevant points state the proposal must produce "value added" to the mineral extracted at the site (point i), would not have a significant adverse impact on local communities, business or the environment (point ii), unacceptably increase the amount of road transport (point iii) and be linked to the life of the minerals extraction (point v).

7.3 In this instance is it considered that the proposal is in compliance with the 'saved' policy 4/16 as the bagging plant would be sited in proximity to the quarry plant area to minimise the impact on the area and the environment. It is also considered that the plant would be linked to minerals extraction and would bag the sand and gravel extracted from the site. The proposal is considered to be sufficiently linked and limited to the minerals permission as the bagging plant would be removed before phase 5 of the minerals extraction due to the site being located on the minerals extraction phase. In regards to the emerging MWJP Policy I02 it is considered that the principle of a bagging plant in this location is in compliance with point i) and point v) as the bagging of mineral would mean minerals could be further processed on site before being taken off site and would replace the bagging facility at Scorton Quarry which is at the end of it working life. The bagging plant at Killerby Quarry would also be time limited until the 31 December 2035 to match the date the applicant has stated phase 5 of the quarrying operation would commence, which would be controlled through condition 3 of the draft schedule and therefore is considered to be sufficiently linked to the quarry working and would be required to be removed as the bagging plant is to be located on Phase 5 of the extraction site.

7.4 This report will conclude in later paragraphs whether points ii) and iii) are satisfied by the proposed development. In regards to the weight which can be given to policy I02 of the MWJP. In regards to this emerging policy the NPPF paragraph 48 criteria can be used, in this instance the MWJP is still under examination and main modifications consultation is still required to take place so the policy wording is still able to change so full weight is not able to be given, however some weight can be given as there are

no specific modifications requested to this policy and it is considered consistent with NPPF paragraph 204 (e) in regards to the processing and handling of minerals. Taking this into account some weight can be given to this policy in the determination of the planning application.

- 7.5 In regards to the Hambleton Local Plan the proposal is considered to be compliant with policies CP1 sustainable development and CP12 priorities for employment development and development management policies DP1 protecting amenity and DP16 in regards to measures to assist the economy and employment. This is as the proposal would enhance the economic requirements of the site and is considered a sustainable form of development. The proposal would also be in compliance with 'saved' NYMLP Policy 4/16 in regards to ancillary and secondary operations. The proposal is also consistent with NPPF paragraphs 117 and 118 in regards to the effective use of land. The proposal would also be in compliance with the general direction of Emerging MWJP emerging policies D01 and D11 in regards to the presumption in favour of sustainable minerals development and the sustainable design, construction and operation of the development as the development would be appropriate and proportionate to the location and its location on a minerals site lessens the need for the transport of minerals and therefore the use of greenhouse gases. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policies S1 in regards to sustainable development as the proposal makes an effective and efficient use of land.

Local amenity (noise, dust and lighting)

- 7.6 The proposed development has been considered against the potential impact upon the amenity of any surrounding residents. Whilst it is noted that the application site is located at some considerable distance from the nearest residential property, being in excess of 800 metres, the NPPF in paragraph 180 highlights the need to consider that development is appropriate for its location and takes into account any likely effects, reducing to a minimum the impacts of pollution which would include noise, light and dust on a site, while also considering the cumulative effects of new development. The application is subject to a representation from a member of the public who objects to the proposed development on the grounds of the noise and traffic impact of the proposal and the impact on the rural nature of the site.
- 7.7 The relevant policies in the Hambleton Development Policies document are CP21 which seeks to protect the people and environment from noise and DP1 in regards to the adequate preservation of amenity in regards to noise. It is considered that the Richmondshire Local plan policies are not relevant to the determination of this application as the proposal would not impact on the neighbouring local authority, this is supported the Richmondshire Environmental Health Officer who also states there would be little to no impact on the area and has no objections. The amenity elements of 'saved' Policy 4/16 of the North Yorkshire Minerals Local Plan advises that ancillary and secondary operations should be '*located so as to minimise the impact on local amenity and the environment*', The relevant policies of the emerging MWJP policy in regards to this are I02 and D02 in regards to not having a significant additional adverse impact on local communities, businesses or the environment and seeking to safeguard communities from unacceptable impacts in regards to noise, dust and visual intrusion.
- 7.8 With regards to noise at the proposed development site, assessments have been submitted with measurements confirming the site is dominated by traffic noise from the A1 and appropriate noise criteria were recommended. The assessment has considered the potential noise impacts of the proposed development during temporary operations, e.g. soil stripping, and the long-term day operations upon a number of properties located in the vicinity to the application site. The noise report concludes that the



bagging plant would not contribute to an increase in noise above the already conditioned limit of 55dB(A) for the quarry and it is recommended in the report that the same condition should be included in this permission Condition 8-10, along with a condition in regards to white noise reversing alarms fitted to mobile plant Condition 11.

- 7.9 Planning Practice Guidance in relation to noise also states the planning authority should consider whether a significant adverse effect is likely to occur, an adverse effect is likely to occur or whether a good standard of amenity can be achieved. Giving four examples of types of mitigation that than be used to lessen the impact of noise being reducing the generation of sound at source, layout optimisations, the distance between the noise sensitive receptor and planning conditions. In this instance it is considered that a condition would be attached to any permission to lessen the noise generated from the site in terms of reversing equipment, the lowering of the level of the site is considered to be a layout optimising technique to lessen the impact of the bagging plant, the bunding around the site and advance screening would also lessen this noise, in regards to distance to the nearest receptor the nearest being in excess of 800m is deemed an acceptable distance not to be affected. Finally the conditions to limit the noise levels at the site to 55db are considered to further mitigate the impact of the site.
- 7.10 Whilst it is noted that the proposed development has the potential to create noise, the levels generated by the use and operation of the plant are considered unlikely to result in any environmental harm and due to its proposed location and working practises employed by the operator. These practices would include limiting the hours of use to Monday to Friday 07:00 to 19:00, Saturday: 07:00 to 13:00 and Closed on Sundays and Bank and Public Holidays, which is condition 6 of the draft schedule. It is considered the proposed working hours are reasonable and there is no demonstrable evidence to suggest that significant adverse effects would be a result of the proposed hours of use, when taken in regards to the other mitigation of the site. This is further supported by the relevant expert on this particular aspect of the proposal, the Hambleton District Council Environmental Health Officer (EHO), who has been consulted on the proposals put forward and stated no observations. This further mitigation includes in addition to the standard hours of working stricter soil stripping hours of operation (Condition 7) are to be implemented to mitigate the impact of the site, there would also be three conditions in regards to noise limits (Conditions 8-10) and noise attenuation equipment being installed on all site plant equipment (Condition 11). Furthermore it is considered that the impact of noise from vehicle movements would not be significant as a condition would be added to any permission limiting the site to 46 HGV movements (23 each way) meaning on average there would be four vehicle movements per hour on a week day, further to this an additional condition (condition 22) would also be added to any permission requiring HGV's turn right out of the site toward the A6055 to limit the impact on residents and businesses located on Low Street as then these HGV movements when leaving the site would not pass any residential receptors in proximity to the site. This is in keeping with the principles of the NPPF, as outlined in paragraph 180 of the Framework, which advises that developments should reduce to the minimum any adverse effects. Therefore it can be considered that the proposed development would allow a good standard of amenity to still be achieved
- 7.11 Whilst the concern of local residents is understandable, the effects of noise associated with the proposed development are considered to be capable of being adequately mitigated by the appropriate level of control through the imposition of planning conditions as stated in the paragraphs above, the topography of the site, the screening, bunding and the distance to these properties. It is not considered that this proposal would have a significantly increased impact on those affected by noise above the currently approved quarry workings.



- 7.12 It is acknowledged that there is also potential for an adverse effect upon air quality and, in particular, the generation of dust. The applicant has proposed a Dust Management Plan that would provide for mitigation including asphalt surfaces to be cleaned and swept within the site, a wheel wash facility, dust suppression techniques with a continuous water supply, stockpile height limits, speed limits, sheeting of HGV's and a process for how to record complaints. It is considered that this Dust Management Plan should be conditioned to be adhered to for the full life of the development (Condition 16). The District Council's Environmental Health Officer has returned no comments with specific regard to the air quality issues (including dust) that have the potential to arise from a development of this nature.
- 7.13 It is acknowledged that there is potential for an adverse effect upon local amenity from lighting and visual intrusion from the proposed development. The applicant has proposed a Lighting Scheme after the Landscape Architect requested further information for clarification in regards to external lighting details and after this was submitted by the agent the landscape architect stated they were satisfied with the principles set out in the lighting management scheme and would be added as condition 17 to control the use of lighting on the site for the full life of the development. The District Council's Environmental Health Officer has returned no comments with specific regard to light pollution quality issues that have the potential to arise from a development of this nature.
- 7.14 It is considered that the proposal and its design would not conflict with Hambleton Development Plan policy CP21 in regards to protecting people and the environment from the consequences of pollution or noise. Further to this the proposal is also in compliance with the relevant Hambleton Development Policies document policy DP1 as it would adequately protect the amenity in regards to noise, disturbance and light pollution. It is considered that in this instance the development would not significantly harm the amenity of the local community, due to the appropriate planning conditions 7-11, 16 and 17 in regards to noise dust and lighting, the sites topography, its location and distance from residential receptors. It is considered that this proposal is in compliance 'saved' policy 4/16 and the general direction of MWJP policies I02 and D02 as the proposal would not cause any unacceptable impacts on local amenity in terms of noise, dust or visual intrusion and would minimise the impact on local amenity. It is also considered that the proposed development is consistent with the NPPF paragraph 180 in regards to proposal being appropriate for its location as this proposal would not give rise to significant adverse impacts on health or quality of life. It is also considered in regards to NPPF paragraph 180 that the cumulative impacts of the proposal in regards to local amenity are not significant as the noise levels have been shown to be able to be kept below the required levels previously conditioned for the minerals permission and with the same levels conditioned through this application (conditions 8-11), in regards to dust it is considered that the dust management plan (condition 16) can control the air quality of the site without any additional adverse effects and in regards to lighting it is considered that the lighting scheme (condition 17) can adequately control the development. Furthermore there has been no comments from any statutory consultees regarding any significant amenity impacts of the development.
- 7.15 The potential for noise, dust emissions and light pollution to impact upon the surrounding area are considered to be low, with no perceived increase in the cumulative effects of either upon the local residents or local landscape. In light of this, it is considered that the impact of the development upon the amenity of the area would not be adverse. This proposal is considered to be in compliance with the principles of the NPPF paragraph 180 and PPG for noise and with the local amenity elements of Policies CP1, CP17, CP21, DP1, DP32 of the Hambleton Local Plan, which seek to ensure that developments both respect and do not adversely impact upon the character

of the amenity of local residents, adding further weight in support of this application. The proposed development is not considered to give rise to significant conflict with 'saved' NYMLP Policy 4/16 and the general direction of Emerging minerals and Waste Joint Plan Policy D02. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policies E2 in regards to amenity as the proposal would not have an unacceptable impact in regards to noise.

#### Landscape and visual impact

- 7.16 The proposed bagging plant would be located within Killerby Quarry, which the agent has confirmed is starting minerals processing in July or August 2021. It is noted that whilst the quarry site is located within the open countryside, it is not affected by designated Green Belt or any other landscape designated area. The bagging plant site would be located on agricultural land which is within the red line area approved for extraction under the Killerby Quarry minerals extraction permission ref. C2/10/02487/CCC, dated 4<sup>th</sup> April 2018. With respect to landscape impacts, the applicant's assessment has taken into account the potential landscape impacts in respect of the landscape character of the site, the Vale of Mowbray, the former Special Landscape Area and the wider study area as well as the impacts upon the setting of the Historic Park & Garden of Killerby Hall. The one representation in regards to this application also objects in regards to the impact the proposal would have on the rural nature of the area.
- 7.17 The site was previously assessed in the quarry application for suitability for minerals extraction, this proposal is on this same land and the proposed development is considered to be an ancillary operation to the minerals extraction. Therefore 'saved' policy 4/16 of the NYMLP is relevant to the determination of the application which requires ancillary operations to be sited, designed and maintained to minimise the impact on the area and would have to be time limited to the permitted life of the minerals extraction site. 'Saved' Policy 4/6a of the NYMLP in relation to nature conservation and habitat protection is also relevant in regards to protecting nature conservation and wildlife habitats. The NPPF paragraph 124-127 and 170 in relation to achieving good design and conserving and enhancing the natural environment requires proposals to function well and add to the overall quality of the area, be visually attractive a good layout, with appropriate landscaping, while also being sympathetic to the character of the area.
- 7.18 The main impacts from this proposal would include the stripping and storing of soils and overburden, the construction of the buildings, the operation of the site and the demolition of the site and final restoration after quarrying has been completed. The two proposed bagging plant buildings are the most prominent parts of the proposed development. The bagging plant building and bulk bagging plant building, would be 8.7 metres and 5.9 metres in height respectively. Other elements including the welfare building, gate house, open bays, transformer and storage area would be significantly lower in height. It is considered also that the design of the buildings are similar to those of an agricultural nature, and have been requested by the landscape officer to utilise Vandyke brown colour sheeting and roofing panels to blend the building into the surrounding area.
- 7.19 It is noted that the bagging plant buildings would not be entirely screened from view, however due to their location, the lowering of the level of the site from 46AOD to 43AOD, the undulating nature of the site and the boundary treatment of existing trees being retained and hedgerow being gapped up means there would be limited views of the site from outside the quarry site from residential properties. The lowering of the ground level for the bagging plant would screen the majority of the plant from outside the quarry site with the only partial views of the top section of the bulk bagging and

bagging buildings due to the lower profile of the site in the landscape. To further mitigate the impact of the site screening bunds and soil storage mounds would be seeded with a wildflower mix to blend the site into the local landscape further. The application is also in proximity to the quarry's plant area which is of a similar scale has been previously considered appropriate in this location. It is considered that the scale of the bagging plant would not have a significant cumulative impact on the area as the views of the bagging plant are limited to the south and west due to the boundary treatment and to the north would be screened by the plant site. The topography of the area and the lowering the level of the site also reduces the impact of the bagging plant and makes it fit into the already approved quarry plant site levels.

- 7.20 Due to the significant distances that exist from the nearest properties and highways to the application site, it is considered that any visual impact arising from the development would be very low, and not adverse. It is considered road users may have glimpses of the larger buildings however not with any prominent effects. In regards to views from outside the site, users of a diverted footpath around the perimeter of the quarry would experience prominent views of the development along the western boundary but these would be views in the context of the approved quarry site and the cumulative effects of the bagging plant in terms of views from this location are not deemed to be significantly more adverse. The quarry plant site lies between views from the north at Killerby Hall which due to large mature trees have limited views into the site. In regards to Killerby Cottages these are more south facing, however the bunds along the quarry plant sites north boundary would screen most of the application site with views only of part of the taller buildings. It is considered in the context of the quarry site the views of the bagging plant beyond the quarry plant site would not have a significant impact on the cottages. Views of the taller bagging plant structures may be visible from south of the site from Broadclose farm and Glebe Cottage, however the trees screening the application site and the building being built on the lower profile mean that the impact of this is negligible and not significant in the circumstances. To mitigate the impact of the bagging site further it is proposed that the storage of bagged aggregates would be restricted to under 3m on the site's hardstanding to minimise the loss of amenity on the area.
- 7.21 It is noted that the Principal Landscape Architect has no objections in principle to the proposed development but recommends that the gapping up of the trees and hedgerows is completed as advance planting and that the buildings are to be Vandyke brown in colour. To this effect the applicant has confirmed that the buildings will be a Vandyke colour which is considered to be in-line with the requirements of the Principal Landscape Architect and as such will ensure that the development does not adversely impact upon the character of the area. The confirmation of this matter by the applicant is proposed to be secured through condition 14 in the draft schedule.
- 7.22 A further consideration in the determination of this planning application is the impact of the proposal upon the visual appearance of the surrounding area. The wider landscape in which the quarry is located is not within any designated landscape classification, but is within a rural setting in the open countryside. Whilst it is acknowledged that this bagging plant represents a relatively large feature in the local landscape, due to the design of the proposed buildings appearing similar to those of an agricultural nature, due to the colour being agreed to be Vandyke Brown so as not to reflect light or appear visually intrusive, due to additional partial screening that is offered by the existing vegetation and topography of the surrounding countryside, and due to the significant distances that exist from the nearest properties and highways to the application site, it is considered that the visual impact of the development would be low and not adverse. To this effect it is considered that the potential impact of the development upon the visual appearance of the area and its landscape is not considered to be adverse and as such is acceptable in regards to the NPPF paragraph 124-127 as it is of a good

layout, optimising the use of the site without adversely affecting the local character of the area.

- 7.23 The relevant Hambleton Local Development Framework document policies are CP1, CP16 and CP17 these are in relation to sustainable development making sure that proposal protect and enhance natural resources including the vitality of the area, the character of local landscape and wider countryside and promotes high quality design. It is considered that the proposal and its design is in keeping with the area and would not significantly harm the character of the area due to limited views of the site and therefore is in compliance with the Hambleton policies CP1, CP16 and CP17. Further to this the relevant Hambleton Development Policies document policies are DP30, DP32 and DP33 which are in regards to protecting the landscape from adverse impacts specifically requiring developments to take into account the landscape character and its surroundings, mitigating the negative aspects of any development and ensuring landscaping is incorporated into any development. It is considered that in this instance the development would not significantly harm the natural environment or the character and quality of the local landscape and that the advance planting and topography of the site would mitigation its impact on the landscape. The relevant policies of the emerging MWJP policy in regards to this are D02 and D06 in regards to local amenity, cumulative impact and landscape which seek to safeguard communities against unacceptable impacts from proposals such as visual intrusion, disruption to public rights of way and cumulative impacts as well as proposals demonstrating there would be no unacceptable impacts on landscape. It is considered that this proposal is in compliance with the general direction of MWJP policies D02 and D06 as the proposal would not cause any unacceptable impacts on local amenity in terms of visual intrusion or cumulative effects with mitigation of screening in place to lessen the impact of the development which is considered to be acceptable in this instance.
- 7.24 Therefore it is considered that this proposal for a bagging plant would not significantly alter the character of the site further than the approved minerals extraction and plant site. The objector in relation to this application states the cumulative impact of the proposed development with the solar farm in the area would make this an unacceptable proposal. In this instance it is not considered the bagging plant would give rise to any significant cumulative impacts and that any slight impacts through the bagging plant would only be temporary as the bagging plant being decommissioned before the start of Phase 5 of the minerals development which currently has an approximate start date of 2035. For the reasons detailed above, it is considered that the proposed development would have a minimal impact upon the environment, including the adjacent surrounding countryside. Therefore, it is considered that the development is consistent with the principles of the NPPF paragraphs 124-127 and in compliance with the development plan including 'saved' policies 4/6A and 4/16 of the North Yorkshire Minerals Local Plan and also in compliance with the general direction of the MWJP emerging policies D02 and D06. The proposed development is also in compliance with Hambleton District Council's Core Strategy policies CP1, CP16, CP17, DP30, DP32 and DP33. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policy E1 and E7 in regards to design and Hambleton's landscapes as the proposal is sufficiently integrated into the local landscape and would not have an unacceptable impact on the local area and includes advance planting of native hedgerows.

#### Soils and Restoration

- 7.25 The application includes a Soil Management report. In this report it is stated that the bagging plant application site's agricultural land classification (ALC) is subgrade 3a, which is best and most versatile land (BMV). The application site is located on Phase 5 of the minerals extraction site and in the original application it was predicted Phase 5 would not commence until 2035, therefore there is a temporary loss of this agricultural



land 14 years sooner than previously proposed under the minerals extraction permission. This current application includes a Soil Management Plan and a Construction and Environmental Management Plan (CEMP) to manage the soils on site. The principle of the temporary loss of land classified as Grade 3a agricultural quality during the extraction works has already been established through the minerals extraction permission. This application would not increase the loss of land for agricultural use, however it would bring forward the temporary loss of 3.7 hectares of the site which is currently in agricultural use and bring it into use by the minerals operator.

- 7.26 The relevant North Yorkshire Mineral Local Plan policies in relation to this application are 4/18 and 4/20 in regards to restoration to agriculture and aftercare, these policies require proposals where agriculture is the primary afteruse to provide the best practicable standard of restoration and should not result in the loss of best and most versatile land. In regards to afteruse the policy requires a five year aftercare period to bring the site up to an approved standard for the specified afteruse. The relevant Hambleton Local Development Framework document policies are CP1, CP16 and CP17 these are in relation to sustainable development making sure that proposal protect and enhance natural resources including the vitality of the area, the character of local landscape and wider countryside and promotes high quality design. Further to this the relevant Hambleton Development Policies document policies are DP30, DP32 and DP33 which are in regards to protecting the landscape from adverse impacts specifically requiring developments to take into account the landscape character and its surroundings, mitigating the negative aspects of any development and ensuring landscaping is incorporated into any development. The relevant policies of the emerging MWJP in regards to this are policies D10 and D12 in regards to reclamation and afteruse and protection of agricultural soils. Emerging policy D10 requires restoration and aftercare to be to a high standard, where appropriate to the scale and location of development and give rise to benefits to the area after restoration, it further states where possible to protect and enhance soils with the potential to create further BMV land. Emerging policy D12 further requires the protection of BMV land from irreversible loss, with aftercare to a high standard with applicant demonstrating all practicable steps to conserve and manage soil resources in a suitable way. In regards to the NPPF paragraph 170 is relevant to in this instance in regards to the protection of soils.
- 7.27 Further details of the soil management plan are stated in paragraph 3.16-3.17 of this report and appendix E of this report shows the soil storage areas within the wider quarry site. The applicant has stated that measures would be put in place to protect soils on the site and these include no trafficking of vehicles/plant or materials storage outside the designated areas or on reinstated soil (topsoil or subsoil), works planned so soil goes straight from the field to storage to restoration, soils are only to be moved in the driest practicable conditions and topsoil and subsoil should not be mixed. The Soil Management Plan also includes a drawing No. K034-00331-1 'Bagging Plant Soil Movements' showing the 54,280m<sup>3</sup> of overburden would be used to create the desired level of the minerals application plant site and that the 6,645m<sup>3</sup> of topsoil and 11,075m<sup>3</sup> subsoil from the bagging plant area would be stored separately within the minerals application site area north east of the application site outside the red line boundary but inside the area under the control of the applicant. Conditions would be attached to this permission in regards to the protection of soils and the restoration of the site (Conditions 19-21), these conditions limit the location of the stored soils, secure the separation of the top-soil, sub-soil and overburden and limit the time period soils can be removed so that soils are in a dry and friable condition.



- 7.28 It is considered that this small area of land in proximity to the quarry plant site would be acceptable for use as a bagging plant as the mitigation measures to minimise the risk of damage to soils which have been provided within the soil management plan and conditioned (conditions 19-21) would protect the soil resources on site. The applicant has stated the soils would be safeguarded and the restored agricultural land would achieve the same agricultural quality as prior to operations which would be subgrade 3a (BMV). It is considered that the proposed development is in compliance with NYMLP 'saved' policies 4/18 and 4/20 as the operations, restoration and aftercare would protect the soils quality from unnecessary and irreversible loss. This is also considered in compliance with the general direction of the MWJP policies D10 and D12 in regards to the protection of soils, restoration and aftercare. It is considered this is also in compliance with the Hambleton Local Development Frame work policies CP1, CP16, CP17, D30 and D32 as the proposed development would protect the natural soil resources on the site and would not have a long term negative impact on the character of the area as this land would after restoration and aftercare be able to be used as agricultural land. It is also considered that this proposal is consistent with paragraph 170 NPPF in regards to the protection of soils due to the there being no permanent loss in the agricultural land quality after restoration and aftercare.
- 7.29 Paragraph 205 of the NPPF requires the restoration and aftercare of minerals-related developments at the earliest opportunity and although this is not a minerals extraction permission the application site has an extant permission for minerals extraction, so is relevant to this application. In this instance the restoration of the site could not take place until the minerals extraction is completed, if the mineral is extracted under the bagging plant as per the extant mineral permission the minerals permission C2/10/02487/CCC, dated 4th April 2018 conditions would be implemented. However this permission for the bagging plant is required to also secure restoration requirements, therefore condition 6 has been added to the draft schedule which would secure the restoration to match the mineral extraction restoration requirements. It is considered that the bagging plant proposal would not conflict with the NPPF paragraph 205 requirements for the restoration of minerals sites at the earliest opportunity.
- 7.30 Taking the above into account in the overall assessment of the proposed development, the protection of soils and successful restoration of the site can be achieved in accordance with 'saved' Policy 4/18 and 'saved' Policy 4/20 of the NYMLP and the general direction of emerging MWJP policies D10 and D12. It is also in compliance with Policy CP1, CP16 and CP17 of the Hambleton Core Strategy; Development Policies DP30, DP31 and DP33 of the Hambleton Development Policies DPD. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policy S1 and E7 in regards to sustainable development as the proposal would protect the local soils and agricultural land, with no long term loss of BMV land.
- Habitats, nature conservation and protected species
- 7.31 The assessment of the effects of the minerals site in respect of the flora and fauna (their conservation and enhancement), and, more specifically, protected species and designated habitats was considered in detail in the minerals extraction application C2/10/02487/CCC, dated 4th April 2018. This current application includes an ecological appraisal and a Construction Environmental Management Plan (CEMP). Paragraph 3.18 and 3.19 of the report give further information in regards to the habitat on the site.
- 7.32 The site is within an impact risk zone for the Swale Lakes Site of Special Scientific Interest (SSSI) which is stated to have a regional level of value and is 2.9 km from the site. The SSSI is designated for breeding birds and wintering wildfowl and waders, which has been considered in the supporting information for this application. In regards to protected species there is potential for bats in the trees to the south of the site,

however further survey work is not required as all these trees are to be retained on site, there is no habitat for great crested newts within the application site, the report also states no definite signs of badgers using the application site, however recommends that three months before the start of works checks for badger activity are carried out which will be added as an informative. The ecological assessment concludes that there are no significant ecological impacts anticipated and that the gapping up of the field boundaries would provide additional nesting and roosting opportunities for bats and birds. Further stating that after restoration there would be a potential for a minor biodiversity net gain. In terms of mitigation this would include good working practices, vegetation clearance to be undertaken outside of the bird nesting season, the roots and crowns of existing trees to be protected with construction exclusion zones and lighting which would avoid light spill above 1lux. The Construction and Environmental Management Plan (CEMP) which was requested by Natural England gives further detail on the mitigation measures to be implemented to avoid disturbance in the bird breeding period at the SSSI of Swale Lakes and would be conditioned to be adhered to throughout the life of the bagging plant permission, this is condition 12 in the draft schedule.

- 7.33 The County Planning Authority has consulted the ecologist, the Environment Agency and Natural England and no objections have been received in regards to the ecological impact of the development. As stated previously during the processing of the application the applicant was requested to provide a CEMP to include the mitigation measures of the ecological appraisal, which was provided and no consultee has stated any issues or objections in regards to the further information provided within this document.
- 7.34 The relevant North Yorkshire Mineral Local Plan policies in relation to this application are 4/6A and 4/16 which requires the planning authority to protect sites of nature conservation interest and have regard to wildlife habitats, further stating that proposals should minimise the impact on the environment. It is considered that the proposed development is in compliance with the saved policy as there would be no significant impacts on wildlife habitats or protected species during the operation of the site, with no trees to be removed to facilitate the bagging plant operation, it is considered that the advance planting and gapping up of hedgerows at the field boundaries would improve biodiversity on the site. This is further supported by there being no objections from the statutory consultees. The relevant Hambleton Local Development Framework document policies are CP1 and CP16 are in relation to sustainable development making sure that proposal protect and enhance natural resources including the vitality of the area, the character of local landscape and wider countryside Further to this the relevant Hambleton Development Policies document policy are DP31 which is in regards to ensuring developments would not cause significant harm to sites and habitats of nature conservation, the policy further states outside of designated sites the interests of nature conservation should take into account national policy.
- 7.35 In regards to national policy paragraph 170 of the NPPF are relevant in the determination of this application which require application to conserve and enhance biodiversity by minimising impacts on biodiversity and providing net gains and also paragraph 175 which state significant harm to biodiversity must be adequately mitigated or compensated. Paragraph 175 further states development that which would have an adverse impact upon a SSSI should not normally be permitted. In regards to the Hambleton District policy and NPPF it is considered that the proposed development would preserve the biodiversity of the area through the mitigation which would include advance native hedgerow planting, bat boxes, a barn owl box the re-profiling around the site would be seeded with a wildflower mix, which would all be secured by condition 13 of the draft schedule. The relevant policies of the emerging MWJP in regards to this

is policies D07 in regards to biodiversity and geodiversity which permits proposals which would demonstrate no unacceptable impacts on biodiversity. It is considered the proposal is in compliance with the general direction of the MWJP draft policy D07 as the proposed development would not have any unacceptable impacts on biodiversity is considered that the mitigation provided within the planning statement would be secured through a condition attached to any permission as condition 13 of the draft schedule.

- 7.36 It is considered that the information provided with the application in regards to ecology and biodiversity is acceptable and the measures put forward by the applicant should be implemented and maintained during the course of the development. With these considerations taken into account, the proposed development is not considered to conflict with the relevant 'saved' Policy 4/6a of the NYMLP and 'saved' NYMLP Policy 4/16 and is in compliance with the general direction of the emerging policies D07 of the emerging MWJP. Similarly, no conflict is considered to arise with Policy CP1 and CP16 of the Hambleton Core Strategy; Development Policies DP31 of the Hambleton Development Policies DPD. The NPPF considers the issues of conserving and enhancing the natural environment. Paragraph 170 and 175 confirms that the planning system should contribute to and enhance the natural and local environment and, taking into consideration the proposals as put forward, they are considered to be consistent with the NPPF's aims and objectives in this respect. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policy E7 as the proposed development would conserve the local hedgerows and fill in gaps for screening and to increase biodiversity.

#### The Historic Environment

- 7.37 The application includes a Heritage Setting Assessment which states the nearest heritage asset in proximity to the application site is Killerby Hall and its wider complex. Of the Killerby Hall complex the Grade II listed stable block is the nearest element to the application site at approximately 500 metres to its north. The rest of the Killerby Hall complex includes Killerby Hall itself, outbuildings, Hall Cottages and a pair of large outbuildings. Paragraph 2.5 states other listed buildings in the surrounding area including the Grade I listed building of Kiplin Hall which is approximately 2,000m from the application site north of the river swale and is screened from view from the application site due to significant woodland. To the east of the application site is situated Hook Car Hill Farmhouse which is a Grade II listed building.
- 7.38 The safeguarding against the potential adverse impacts upon interests of cultural and/or historic importance and/or heritage value from the effects associated with proposed developments is embedded within the core principles of the NPPF. The national planning policy with particular relevance to the safeguarding of the historic landscape and interests of heritage value can be found within Paragraph 189 that ensures that applicants have regard to the historic environment by assessing both its setting and significance when putting forward proposals and wherever possible avoid or minimising a proposals impacts upon such interests. Paragraph 190 of the NPPF requires local authorities to identify and assess the particular significance of any heritage asset which may be affected by a proposed development and take this into account when considering the impact of the proposal. Additionally, Paragraph 192, 193 and 194 are also relevant in their emphasis upon ensuring that proposed developments are so planned such that their impacts do not give rise to substantial harm upon interests within the historic environment of significance being mindful that a feature of interest may not necessarily be disregarded in any assessment solely by virtue of its non-designation, so long as a both a reasonable and proportionate approach is taken.
- 7.39 Furthermore, the provisions of Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 are also engaged in the determination of this particular

application. While this current application, *per se*, does not concern an application for Listed Building Consent nor any proposals directly affecting such designations, it does lie within the vicinity of assets and, therefore, the applicable test against which the County Planning Authority is obliged to assess such proposals is that ‘*special regard*’ must be had to the “*desirability of preserving [such] building[s] or [their] setting or any features of special architectural or historic interest which [they] possess*”.

- 7.40 The specific tests for consideration are whether the proposed development would give rise to a circumstance where substantial harm to the interests of either a listed building or structure or their settings or total loss of their significance would arise as a result of the effects of the development. Special regard must also be had the desirability of preserving any identified designated heritage asset. Where a proposed development is deemed to lead to less than substantial harm, the assessment of the development must be weighed against the attendant public benefits of a proposal.
- 7.41 It is considered that the applicant has identified the heritage assets in the application details as required by paragraph 189. The assessment of the potential effects of the proposed development upon designated assets and their settings concluded there is low potential for visual impact to the setting of the stable block. The outcome of public consultation and the seeking of expert views through consultation on the application revealed no contrary views against the conclusions of the assessment of visual impacts upon designated assets and/or their settings and acknowledge they are capable of being mitigated to a sufficient degree so as not to be significantly adverse. There are features in the local landscape would serve to minimise any potential significant adverse visual impact upon either of these nearest designated assets or their settings to a level sufficient to be considered acceptable in land use planning terms. Killerby Hall is considered to be a significant heritage asset being grade II listed and it is considered that the stable block the nearest element to the proposal has this same significance.
- 7.42 In the particular instance of this application, when assessed against the criteria for paragraph 193 of the NPPF it is considered that the planning judgement is that there would be no harm from the proposed development upon designated assets and their settings including the stables of Killerby Hall. It is considered that there would be no harm due to the site being constructed at a lower level than the current field height as it would be soil stripped and be at the reduced ground level of 43m AOD instead of the current 46m AOD, which would lessen the impact of the proposed development on the area. In addition this is further supported by the current screening through trees on the boundary of the site and mitigation from the minerals extraction permission would mean the bagging plant proposal would have no impact on views from the listed stable building to the north of the bagging plant application site and it is therefore not considered that there would be any harmful effects on the listed building. The other listed structures of Killerby Hall, Kiplin Hall and Hook Car Hill Farmhouse are considered to have appropriate screening in the form of woodland and due to the topography and lowering the level of the site and the distance to these receptors the setting of these two other listed buildings would also not be impacted by the bagging plant proposal. Taking into consideration the proposals as put forward, they are considered to be consistent with the NPPF’s aims and objectives in this respect and the applicable test of Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and therefore it is considered, been satisfied in this particular instance.
- 7.43 The relevant local Development Plan policy context is considered to comprise Policy CP1 of the Hambleton Core Strategy in relation to sustainable development and promoting and encouraging the historic and cultural features of importance and Development Policies DP28 in regards to conserving the historic heritage of an area by preserving listed buildings, DP30 in regards to protecting the landscape character and its surroundings where possible taking into account local distinctiveness and DP33



in regards to designing landscape schemes to protect and enhance key landscape features. These policies contain landscape-related policies and these are considered relevant in the context of potential effects on the setting of cultural heritage assets. The relevant emerging MWJP policy D08 in regards to the historic environment states development would be permitted where practicable where they enhance those element which contribute to their significance and proposal which would result in less than substantial harm to the significance of designated asset would be permitted only where this is outweighed by the public benefit.

- 7.44 The assessment of the potential impacts of the proposed development have been undertaken in accord with the guidance set down in respect of both designated and non-designated heritage assets within the NPPF and also taking into account that the safeguarding of these assets the proposal is considered that the proposed development is acceptable in terms of its impact on the setting of these designated heritage assets. It is further considered that the proposal would not give rise to any conflict with Policy CP1 of the Hambleton Core Strategy and policies, DP28, DP30 and DP33 of the Hambleton Development Policies DPD as the visual impact of the proposed development would be capable of being mitigated to a sufficient degree by features in the local setting along with the mitigation of lowering the level of the site which minimise the visual impact on the area.. The proposal is also in compliance with the general direction of the emerging MWJP Policy D08 in regards to the historic environment, as the proposal would conserve the significance of the heritage asset due to the limited impact of the development on the local landscape. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policy S7 in regards to the historic environment as the proposal would conserve the setting of heritage assets.

#### Highways matters

- 7.45 This bagging plant application includes a Transport Assessment, which states the bagging plant would utilise the same access arrangements, site operating hours set out in the extant planning permission for minerals extraction and would be conditioned in regards to this application as condition 6. The application is subject to an objection from a local resident in regards to the impact of further traffic in the area from the site. The site includes an internal haul road and the junction to Low Street has been recently upgraded as part of the Killerby Quarry enabling works. The quarry has permission for 46 parking spaces for staff and visitors, which are still under construction, it is considered that the car parking area would be complete by approximately August 2021. The application states the proposal would employ 9-12 further people at the site bringing the full time employee number to 29-32 which can be accommodated by the current arrangements on site and if required in the future further parking could be provided. The proposed development would utilise the current traffic circulation system with weighbridge facilities on entrance and exit along with wheel washing facilities on exit also. Although the proposal would increase vehicle movements to the site a significant proportion of these (75%) would be 'backhaul' and not new trips as these would be vehicles which currently return to Killerby Quarry unladen to be loaded. This would the applicant states make the best use of the vehicle fleet. The applicant states that approximately 60,000 tonnes of aggregates would be imported to the site by HGV's for bagging from the local area as the site would replace a similar facility which is to be decommissioned at Scorton Quarry which is also in the local area. The Transport Statement states that the bagging plant would require 23 vehicle movement per day (46 two way movements) and it is proposed that this number of movements is conditioned with any approval (condition 22).

- 7.46 The Highway Authority were consulted on this application and stated that the proposed bagging plant would be acceptable in terms of capacity and highways safety, further stating that the junction at the quarry entrance has recently been upgraded and its



visibility is acceptable and designed to the County Council Highways standards. The Highway Authority requested a Construction Management Plan to which has now been submitted and no issues with this further information have been raised therefore it has been conditioned as an approved document under condition 2. In this instance it is considered that a S106 agreement for the routing of vehicles is not required and can be adequately controlled through the construction management plan and a condition requiring all vehicles to leave the site to turn right on Low Street towards the A6055, which is condition 28 of the draft schedule. The highways authority in their consultation response did not request a routing plan which would be required to be included in a S106 agreement.

- 7.47 The relevant policy in regards to this application in regards to highways matters are 'saved' NYMLP policy 4/16 as this policy requires ancillary operations to minerals sites to be designed, sited and maintained to minimise impact on local amenity, which it is considered would include traffic impact. It is therefore considered the highways proposals are in accordance with 'saved' Policy 4/16 of the NYMLP as this would limit the impact of the proposed development on the local residents and the local environment as HGV's would not be use the minor road of Low Street protecting their residential amenity. The proposal would also be in compliance with Hambleton Core Strategy Policy CP2 and DP3 in regards to minimising the need for travel with the back filling of loads utilised and having this facility on the quarry site to minimise vehicle movements. It is also compliance with the general direction of the emerging MWJP Policy D03 as it would safeguard the community from unacceptable impacts in regards to noise and dust. Paragraph 32 of the NPPF considers transport in relation to new development and states that *"all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment"* and, taking into consideration the proposals as put forward, they are considered to be consistent with the NPPF's aims and objectives in this respect. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policy CI2 as the proposed development includes a transport assessment which shows that the vehicle movements can be satisfactorily be accommodated by the local highways network.

#### Drainage

- 7.48 The application site is over 250m from Flood Zones 2 and 3, however other parts of the quarry site outside the red line boundary for the Bagging Plant application are within Flood Zone 2. A Flood Risk Assessment has been submitted with this application which concludes flood risk is low to negligible, with the risk managed by run off in drainage channels which would be pumped into silt lagoons. The application was not originally supported by a Flood Risk Assessment and detailed drainage information however this was requested after consultation with the Lead Local Flood Authority. This information is now deemed acceptable for this application to be determined with the consultee stating the information is sufficient to demonstrate a reasonable approach to drainage on the bagging plant site, however requested a prior to commencement condition which would provide detailed drainage designs. As the agent wishes to avoid pre-commencement conditions this information has been submitted through the application process. In response to the re-consultation on this information with the LLFA they confirmed the documents demonstrate a reasonable approach to the management of surface water and have no objections. Therefore it is considered that the pre-commencement condition is not required in this instance.
- 7.49 The relevant Hambleton Local Development Framework document policies are CP1 and DP1 in regards to sustainable development and protecting the quality of natural water resources and the natural drainage of surface water, further stating that developments must adequately protect amenity with particular regard to pollution. The

relevant policies of the emerging MWJP policy in regards to this are D09 and DP11 in regards to the water environment and making sure there are no demonstrable impacts on ground and surface water and the use of sustainable drainage systems.

- 7.50 Based on the responses of those consulted in respect of this application to their satisfaction and taking into account that the proposed development is capable of being acceptable in land use planning terms it is considered that the development does not give rise to any conflict Policy CP1 of the Hambleton Core Strategy as the proposal would not have a negative impact on the natural drainage of surface water with plans deemed acceptable from the LLFA or Policy DP1 of the Hambleton Development Policies DPD as the proposed development would not increase the risk of flooding in the area and protect residential amenity in regards to surface water runoff. Paragraph 175 of the NPPF sets out the national planning policy stance on preventing development from adversely effecting water pollution and should were possible improve environmental conditions. Taking into consideration the proposals as put forward, they are considered to be consistent with the NPPF's aims and objectives in this respect as the information provided from the applicant. In regards to the emerging MWJP this application is consistent with general direction of the emerging Policy D09 and DP11 as the proposal demonstrates there are no unacceptable impacts in regards to surface water and groundwater and the drainage information has been deemed acceptable by the Lead Local Flood Authority. The proposed development would also be in compliance with the general direction of Emerging Hambleton Local plan policy RM3 in regards to surface water and drainage as the submitted plans show that the proposal would not result in unacceptable harm to the landscape character or increase flood risk in other areas.

## 8.0 Conclusion

- 8.1 There are no material planning considerations to warrant the refusal of this application for the erection of an aggregate bagging plant including a bagging building and bulk bagging plant, ticket office, welfare building, creation of hard standing, sewage treatment plant and site levelling works

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.

### Obligations under the Equality Act 2010

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

### Obligations under the Human Rights Act

- 8.6 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and

home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

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

## 9.0 Recommendation

9.1 For the following reason(s):

- i. the proposed development is considered to accord with 'saved' policies 4/6A, 4/16, 4/18, 4/20 of the North Yorkshire Minerals Local Plan (1997);
- ii. the proposed development is not considered to give rise to any conflict with the aims and objectives of policies CP1, CP2, CP12, CP16, CP17 and CP21 of the Hambleton District Council Core Strategy (2007); Development Policies DP1, DP3 DP16, DP28, DP30, DP31, DP32 and DP33 of the Hambleton Development Policies Development Plan Document;
- iii. the proposed development is considered to be consistent with the objectives and policies pertaining to minerals-related development proposals as stated in the National Planning Policy Framework (2019) and National Planning Practice Guidance;
- iv. the proposed development is considered acceptable in land use planning terms taking into consideration:
  - a. the impacts of the proposed development in relation to noise, air quality and lighting are capable of being effectively mitigated;
  - b. the visual and landscape impact of the proposed development can be mitigated through the proposed conditions
  - c. the assessed effects upon interests of nature conservation, ecology and habitat protection are capable of being effectively mitigated and controlled by condition.
  - d. The transport impacts of the site would not have a significantly detrimental impact on the highways network.

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

### Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the application details dated 18<sup>th</sup> December 2020 and the following approved documents and drawings:

Ref. 17137-201 Rev P5	14.10.20	Location Plan
Ref. 17137-203 Rev P5	14.10.20	Proposed Site Layout
Ref. 44130/035 Rev A	20.10.20	Site Sections

Ref. 44130/028 Rev A	6.3.20	Proposed Main Bagging Building Plans and Elevations
Ref. 44130/029 Rev A	6.3.20	Proposed Bulk Bagging Building Plan and Elevations
Ref. 44130/031 Rev A	6.3.20	Proposed Closed Storage Bays Plan and Elevations
Ref. 44130/030 Rev A	6.3.20	Proposed Open Storage Bays Plan and Elevations
Ref. 44130/032 Rev A	6.3.20	Proposed HV Transformer Plan and Elevations
Ref. 44130/027 Rev A	3.9.19	Proposed Yard Elevations
Ref. NT10306-018-002	23.11.20	Ticket Office - Elevations
Ref. NT10306-018-003	24.11.20	Ticket Office – Floor Plan
Ref. NT10306-018-004	23.11.20	Welfare Building - Elevations
Ref. NT10306-018-003	24.11.20	Welfare Building – Floor Plan
Ref. NT10306/18/0006/final	December 2020	Planning Support Statement
Ref. NT10306/18/0015	February 2021	Construction Environmental Management Plan
Ref. 2811/FRA Rev F1	18.12.20	Flood Risk Assessment
Ref. 44130/037 Rev C	16.04.21	Flood Exceedance Layout
Ref. NT10306/18 Report 15	February 2021	Flood Evacuation Plan
Ref. 44130/038 Rev A	16.04.21	Drainage Details
Ref. 44/130/036 Rev E	16.04.21	Drainage Layout
Ref. NT10306/18/0004/Final	November 2020	Landscape and Visual Appraisal
Ref. 10306/18/ Condition 26	October 2020	Dust Management Plan
Ref. NT10306/18 002 Rev V2	October 2020	Noise Assessment Report
Ref. NT10306/18 003 Rev V1	October 2020	Air Quality Assessment
Ref. NT10306/18 0014	February 2021	Construction Management Plan
Ref. NT10306/18 0015	February 2021	Fuel, Oil and Chemical Management
Ref. NT10306/18 0011	November 2020	Soil Management Plan
Ref. 2019/232	October 2020	Heritage Setting Assessment
No Ref.	No date	Archaeological Written Scheme of Investigation
Ref. R02	October 2020	Ecological Appraisal
Ref. 19-174-N Rev A	29.10.20	Transport Statement
Ref. k034_0331-1	No date	Bagging Plant Soil Movements Plan
No Ref.	13.4.21	Lighting Plan
No Ref.	No date	Light Management Scheme
No Ref.	11.5.21	Lighting Guide - Installation: Tarmac Building Products.

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

Duration of Development

3. The development hereby permitted shall be discontinued on 31 December 2035 and all buildings, plant, machinery and hardstanding associated with the development shall be removed from the site and the site shall be restored in accordance with the restoration scheme approved under condition 5

***Reason:** This is a temporary permission due to the extant minerals permission to reserve the right of control by the County Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.*

Abandonment

4. In the event of the use hereby permitted ceasing on the site for a period in excess of 12 months before the completion of the development hereby permitted, all buildings, plant, machinery and hardstanding associated with the development shall be removed from the site and a revised scheme of restoration and landscaping shall be submitted

to the County Planning Authority for written approval within 14 months of the cessation. The approved scheme shall be implemented in accordance with a programme to be included in that scheme.

*Reason: To secure a good standard of progressive restoration and safeguard the character of the site in the interests of visual amenity.*

Restoration

5. The site shall be restored in accordance with Ref. K034-210 Rev H, dated 1st July 2016 – Restoration Masterplan the scheme approved under C2/10/02487/CCC, dated 4th April 2018. In the event that the extraction of mineral is not undertaken within the application site boundary through the planning permission C2/10/02487/CCC, dated 4th April 2018 an amended detailed scheme for the restoration of the site shall be submitted to and approved in writing by the County Planning Authority.

*Reason: To enable the County Planning Authority to adequately control the development and to safeguard the character of the site in the interests of visual amenity.*

Hours of operation

6. No operations, including the transport of mineral shall take place except between the following times:
- Monday to Friday: 07:00 to 19:00;
  - Saturdays: 07:00 to 13:00 ;
  - Closed on Sundays and Public Holidays.

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

7. No soil stripping or bund construction or overburden removal shall take place except between the following times:  
0700 – 1900 hours Mondays to Fridays.  
No soil stripping or bund construction or removal shall take place at all on Saturdays / Sundays / Public / Bank Holidays.

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

Noise Limitations

8. The noise levels LAEQ(1 hour) operated by the bagging plant and quarrying operation combined at the site shall not exceed 55dB at the monitoring locations as defined in Appendix 3 – Noise Assessment (as shown on *Figure 1 – Noise Sensitive Receptors and Noise Monitoring Location Plan* and Table 1).

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

9. The noise levels LAEQ(1 hour) operated by the temporary operations at the site shall not exceed 70dB for a maximum period of up to eight weeks in any one year.

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

10. In the event that any noise levels specified under Condition No 18 or 19 are exceeded, those operations at the site causing the excessive noise must cease immediately and steps be taken to attenuate the noise level to be in compliance with Conditions 18 & 19.



Reason: To protect residential amenity in regards to noise.

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

Reason: To protect residential amenity in regards to noise.

Construction and Environmental Management Plan

12. The development hereby approved, shall, at all times, proceed in accordance with the Construction and Environmental Management Plan (Ref. NT10306/18/0015, dated February 2021).

Reason: In the interests of protecting biodiversity and ecological sensitive areas.

Ecological Mitigation

13. The development hereby approved, shall, at all times, proceed in accordance with the ecological mitigation measures detailed within section 7.3.10 to 7.3.13 of the Planning Statement (Ref. NT10306/18/0006/final, dated December 2020).

Reason: In the interests of protecting biodiversity and ecological sensitive areas.

Building Colour

14. The proposed building and roofing panels shall be painted Vandyke brown BS08 B29 and the building shall continue to be maintained in a good state of repair for the duration of the planning permission.

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

Bagged Aggregate Storage

15. No bagged aggregates shall be stored to a height exceeding 3m stacked on pallets and 2m for the bulk bag stock within the Yard as shown on the Proposed Site Layout Ref. 17137-203 Rev P5, dated 14.10.21.

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

Dust

16. The development hereby approved, shall, at all times, proceed in accordance with the Dust Management Plan (Ref. 10306/18/ Condition 26, dated October 2020). The approved control measures shall be implemented and maintained in accordance with the approved scheme.

Reason: In the interest in the amenity of the area.

Lighting

17. The development hereby approved, shall, at all times, proceed in accordance with the Lighting Plan - Tarmac Building Products – Killerby Site (No Ref, dated 13.4.21) and Light Management Scheme (no Ref, not dated). The approved lighting/floodlighting that is erected shall be operated and maintained in accordance with the approved scheme and programme throughout the operational life of the site after which it shall

be removed in its entirety in accordance with the approved interim or final restoration plan.

*Reason: In the interest in the amenity of the area.*

#### Boundary Treatment

18. Advanced planting works including the proposed hedgerow boundary improvement are required to be implemented in the next available planting season. All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme.

*Reason: To protect the amenity of the area and to ensure the provision and establishment of acceptable landscaping.*

#### Soil Handling

19. The development hereby approved, shall, at all times, proceed in accordance with details of the Soil Management Plan (Ref. NT10306/18 0011, dated November 2020).

*Reason: To ensure that soils are stripped and stored correctly so that the land is capable of being restored to a beneficial after use.*

20. All top-soil, sub-soil and overburden materials shall be identified separately and then stripped and stored accordingly and either placed directly to final restoration of the site or stored separately in temporary storage mounds in accordance with the submitted application details.

*Reason: To ensure the appropriate control of the development by the County Planning Authority in safeguarding the interests of the soil resource of the site in the interests of achieving a proper and good standard of agricultural restoration.*

21. No soils shall be stripped, moved, placed or removed during the months of November to March inclusive, unless the said soils are dry and friable. Soils shall only be stripped, moved, placed or removed during dry conditions and soils shall not be removed whilst wet. During soil stripping, placement and removal, machinery shall be routed so as to avoid compaction of such soils.

*Reason: To ensure the appropriate control of the development by the County Planning Authority in safeguarding the interests of the soil resource of the site in the interests of achieving a proper and good standard of agricultural restoration.*

#### Highways

22. The total number of heavy goods vehicle (any vehicle over 3.5 tonnes) accessing and leaving the application site shall not exceed 46 per day (23 going into the site and 23 going out).

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

23. A written record of all heavy goods vehicle movements (any vehicle over 3.5 tonnes) into and out of the site shall be maintained and retained for a period of six months. The records shall contain the vehicles weight, registration number and the time and date of movement. The record shall be made available for inspection to the County Planning Authority at the site office during permitted working hours or within two days of any written request made by the County Planning Authority.

*Reason: To enable the verification of vehicle movements limited under condition no. 18.*

24. All heavy goods vehicles exporting mineral from the site shall be securely sheeted or otherwise enclosed in such a manner that no material will be spilled on the public highway. Imports of these materials should be sheeted at all times and not accepted on site unless sheeted.

*Reason: To ensure the appropriate control of the development by the County Planning Authority in the interests of both vehicle and pedestrian safety and both the visual and general amenity of the area.*

Access

25. There shall be no access or egress between the public highway and the application site by any vehicles other than via the access point with the public highway at Low Street. The access shall be maintained in a safe manner which shall include the repair within six months of any damage to the existing adopted highway occurring during construction.

*Reason: To ensure the appropriate control of the development by the County Planning Authority in the interests of both vehicle and pedestrian safety and both the visual and general amenity of the area.*

26. Wheel-cleaning facilities shall be made available from the commencement of the development on the site and be kept available and in full working order until such time as the County Planning Authority agrees in writing to their withdrawal.

Reason: *In the interest in the amenity of the area.*

27. There shall be no access or egress between the public highway and the application site by any vehicles other than via the access point with the public highway at Low Street. The access shall be maintained in a safe manner which shall include the repair within six months of any damage to the existing adopted highway occurring during construction.

28. No HGV Vehicles (Any vehicle over 3.5 tonnes) exiting the site shall do so except by turning right onto Low Street towards the A6045.

*Reason: To ensure the appropriate control of the development by the County Planning Authority in the interests of both vehicle and pedestrian safety and both the visual and general amenity of the area.*

Drainage

29. 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 compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses shall 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 should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: *To ensure the rights of control of the County Planning Authority in the interest of minimising the risk of pollution to surface and/or ground water resources*

Planning permission record

30. Throughout the working life of the site, a copy of this permission and all approved documentation shall be made available on site for inspection during normal working

hours. Their contents and existence should be made known to all operatives likely to be affected by matters covered by them.

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

#### **Informatives:**

##### **Badgers**

recommended but that three months before the start of works checks for badger activity is recommended.

##### **Environmental Permit**

The planning application form supplied with this application indicates that the means of foul disposal will be by Septic Tank, however the Planning Support Statement indicates that the foul treatment system would be a "Treatment Plant" compliant with BS EN 12566. The Planning Support Statement indicates that the discharge would be less than 5m<sup>3</sup>/day, and would be discharged to the site's drainage system.

Please note that under current rules, septic tanks must not discharge to surface water, however if the foul disposal is actually by means of a package treatment plant, compliant with BS EN 12566, then this may discharge to surface water.

An environmental permit under the Environmental Permit Regulations would be required, if the daily discharge volume is >5m<sup>3</sup>/day. Please contact the Environment Agency (Tel: 03708 506 506) to progress a permit application if you find the daily discharge volume is above this.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to guidance for the storage of drums and intermediate bulk containers.

Any facilities, above ground, 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 compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, 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 should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the cleanup of spillages, to prevent environmental pollution from the site operations. We advise that polluting materials and chemicals are stored in an area with sealed drainage.

**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.*

K BATTERSBY

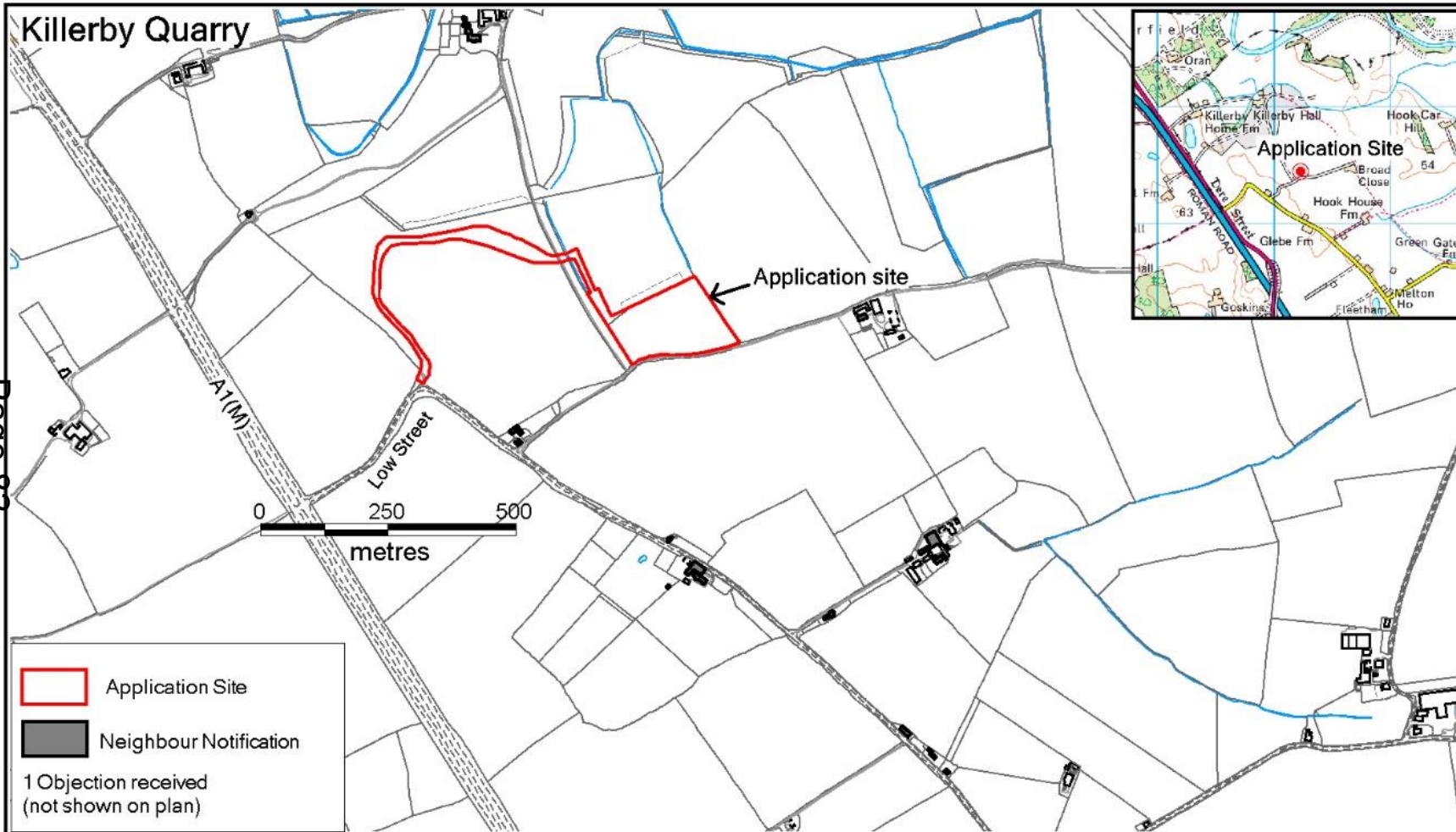
Corporate Director, Business and Environmental Services  
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: INSERT C Ref. C1/21/00022/CM (NY/2020/0221/FUL) registered as valid on 7 January 2021. 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: Sam Till





 Application Site

 Neighbour Notification

1 Objection received  
(not shown on plan)

**Application No : C1/21/00022/CM**

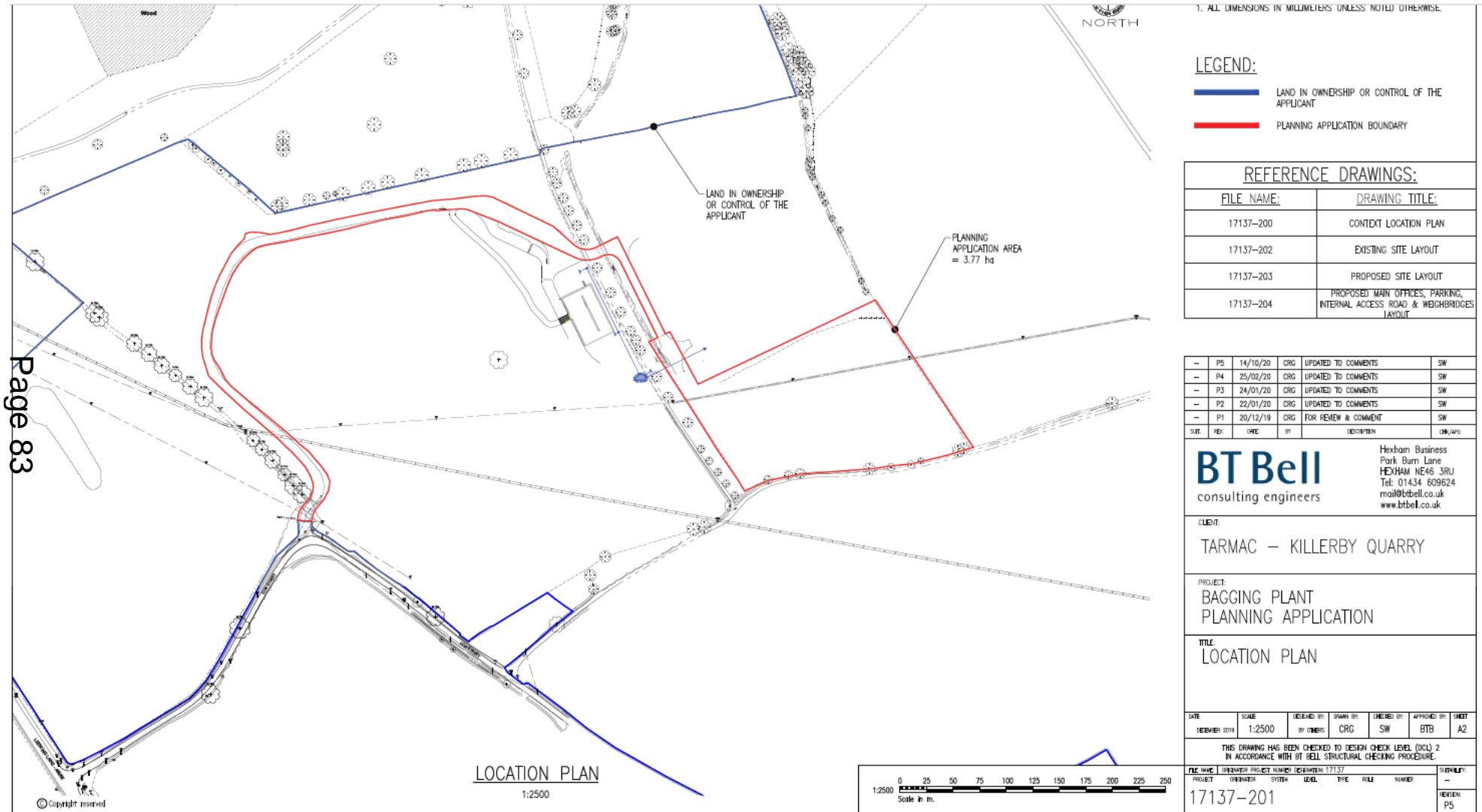
Title: Erection of an aggregate bagging plant including a bagging building and bulk bagging plant, ticket office, welfare building, creation of hard standing, sewage treatment plant and site levelling works at Killerby Quarry, Low Street, North Yorkshire, DL10 7PY

 **N**

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

Scale : 1:10,000  
Date : May 2021  
Filename : Killerby Quarry  
Compilation & Analysis : SAT/JB

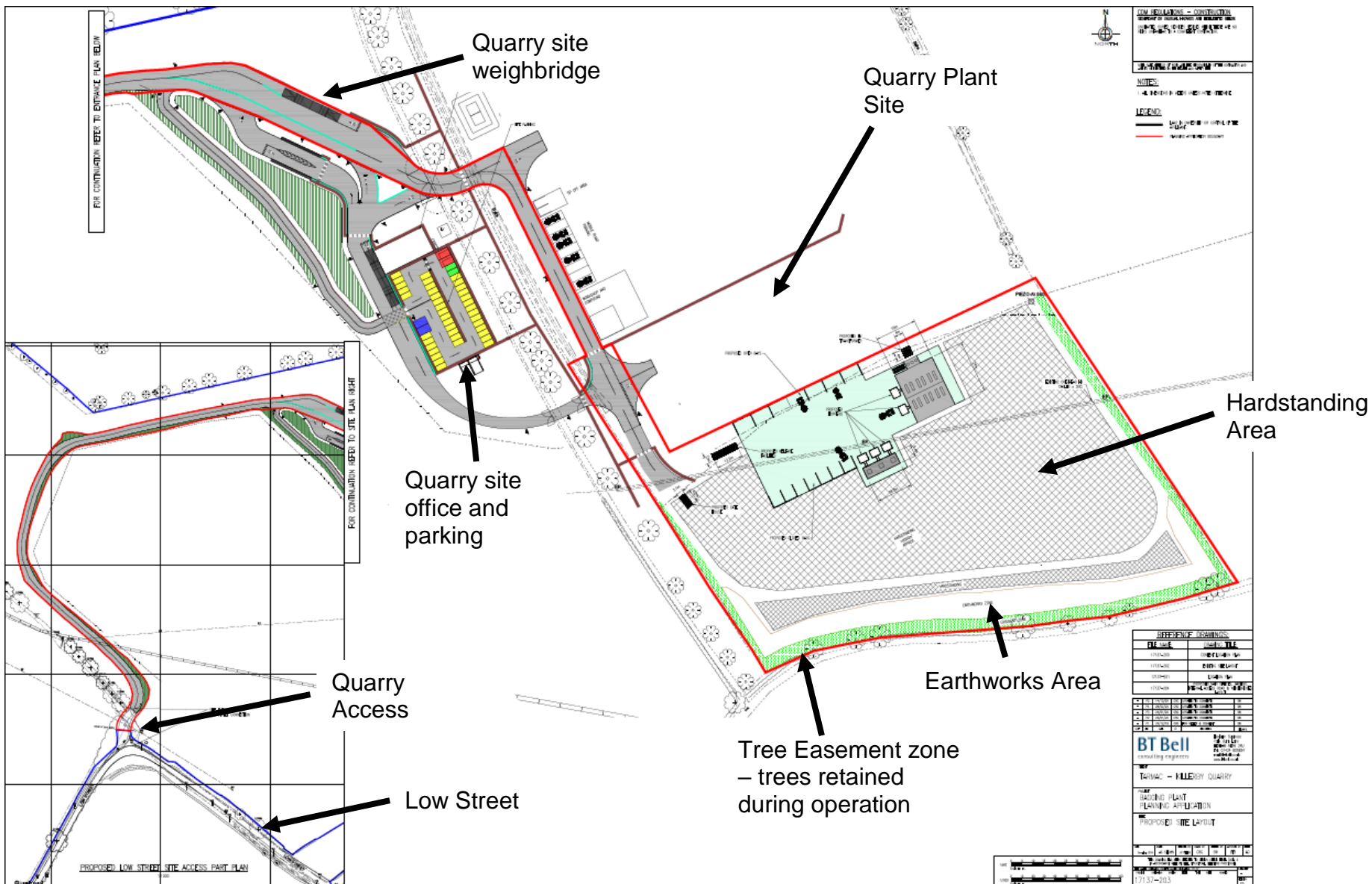
Appendix B – Location Plan



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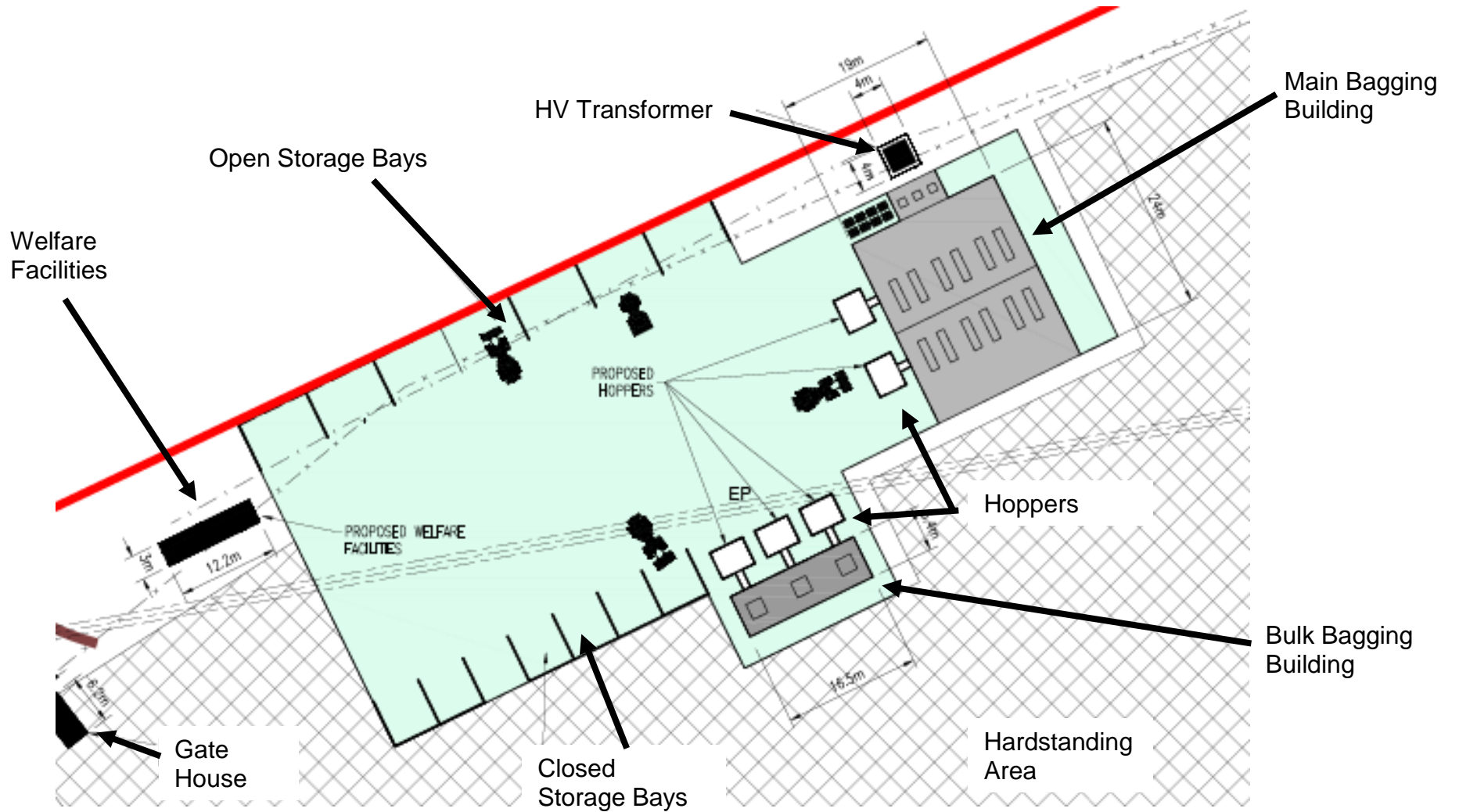
Appendix C – Proposed Site Plan

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Appendix C (a) – Proposed Site Plan – Zoomed in

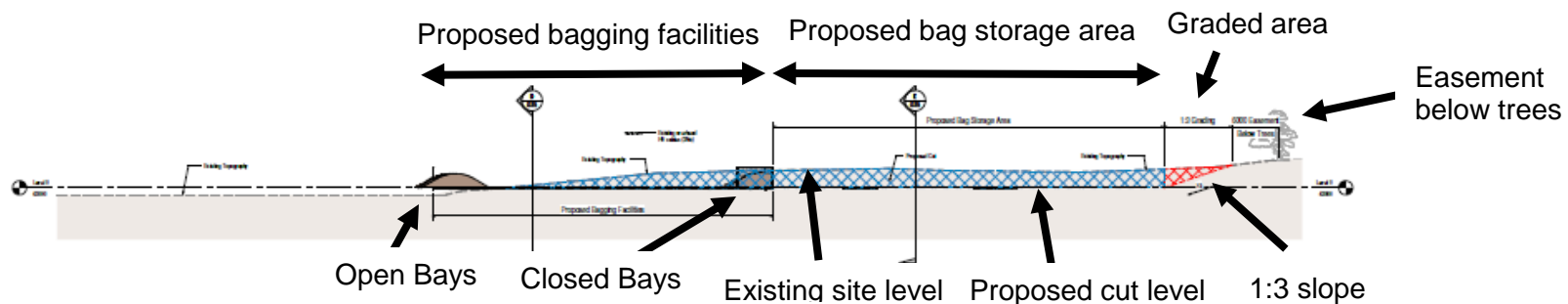
Page 85





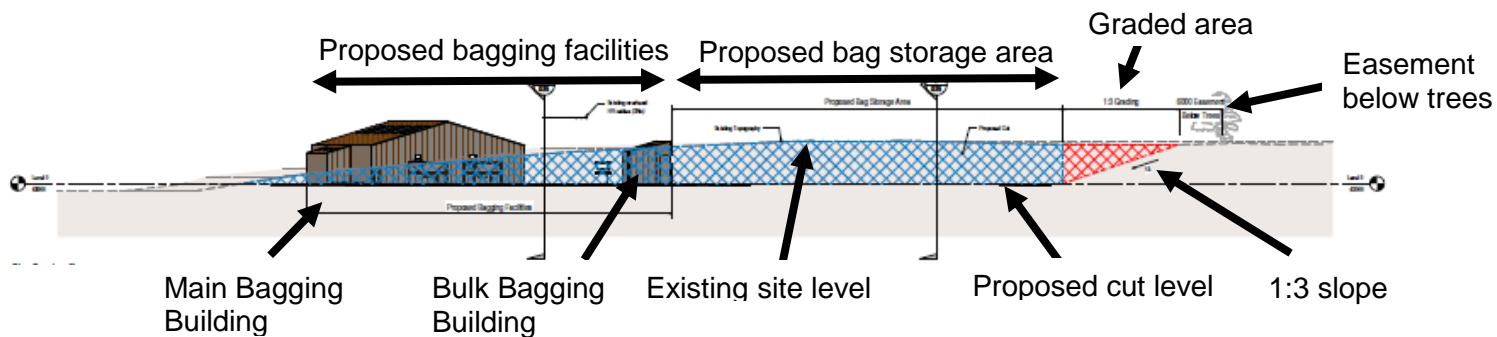
Appendix D – Site Sections

Site Section A

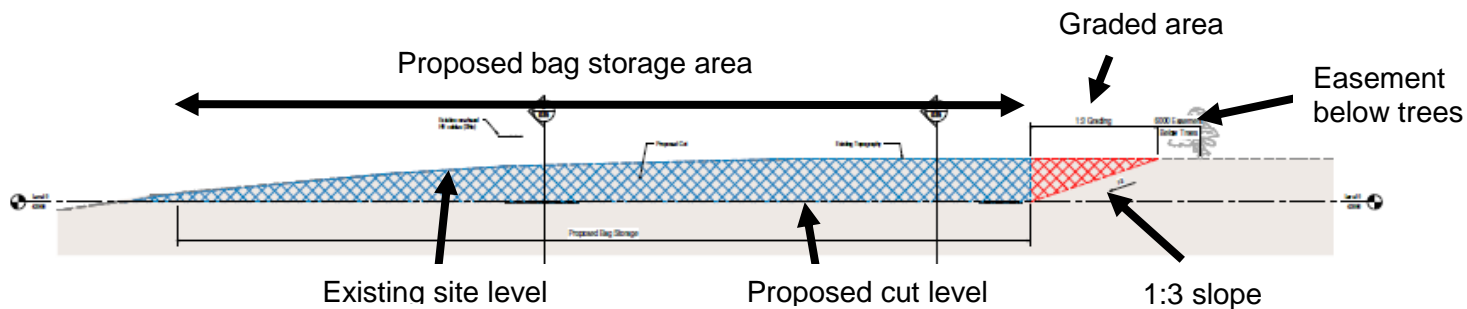


Site Section B

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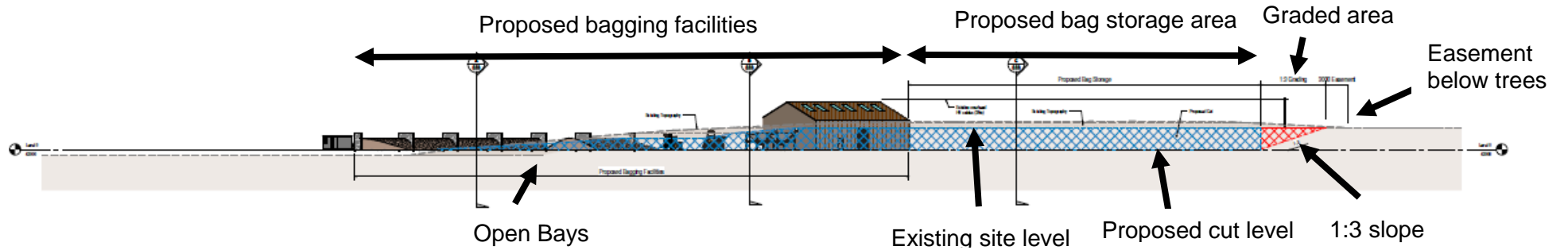


Site Section C

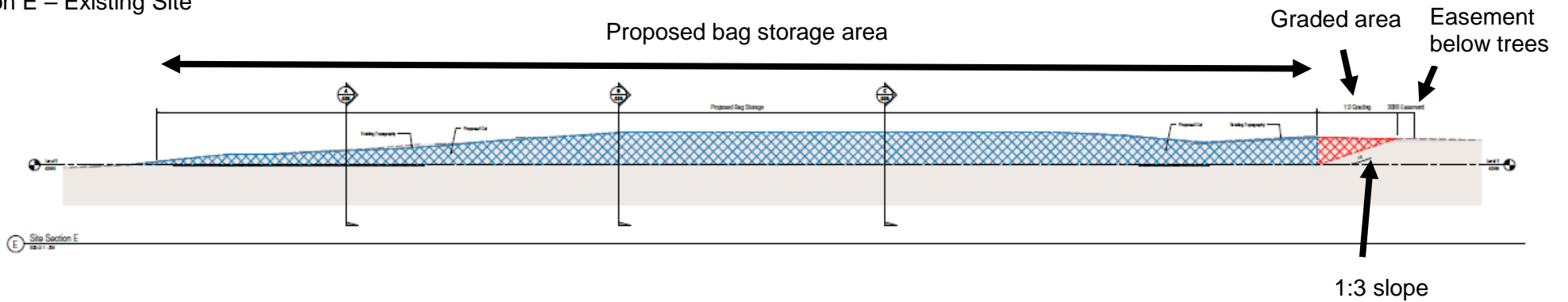




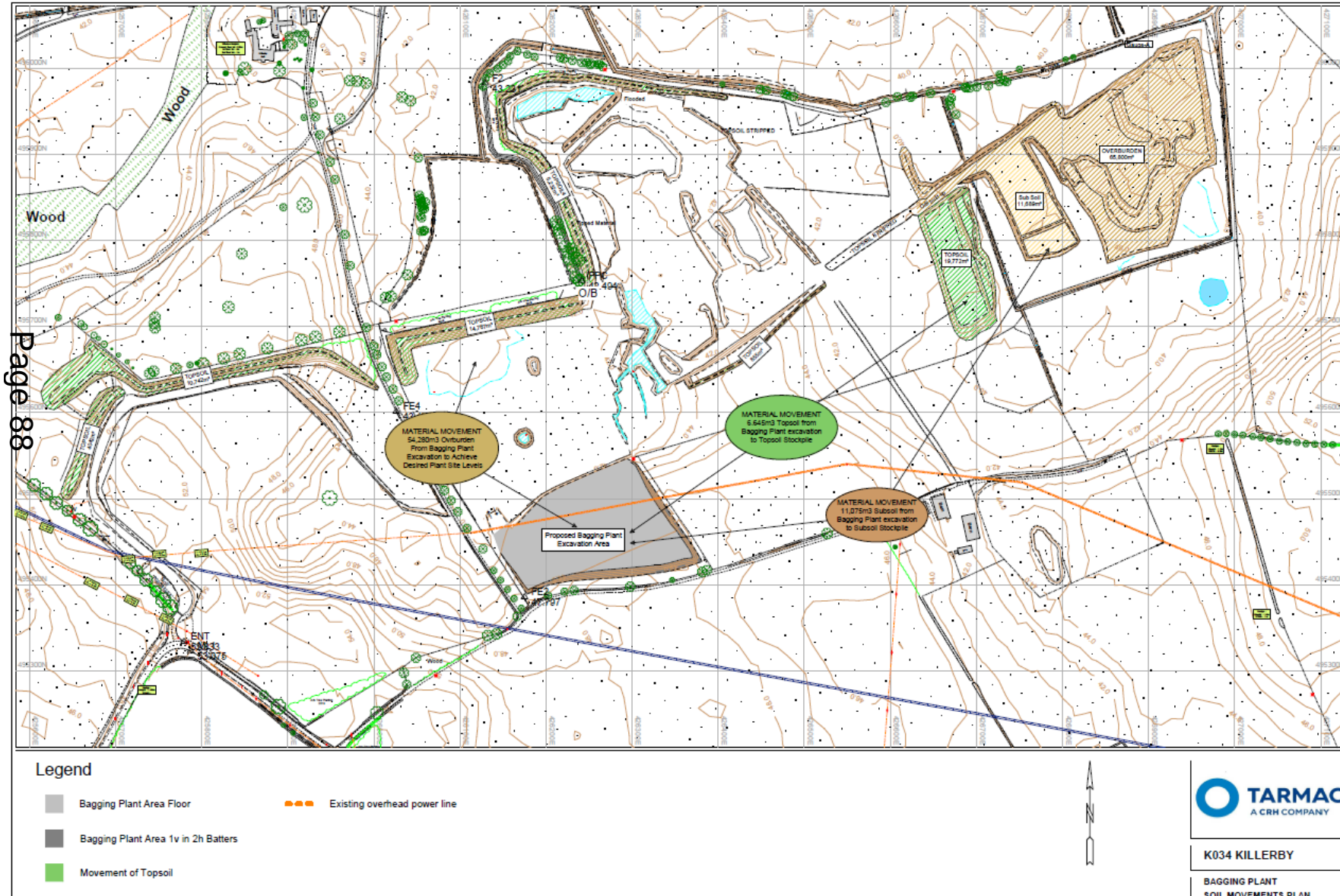
Section D



Section E – Existing Site

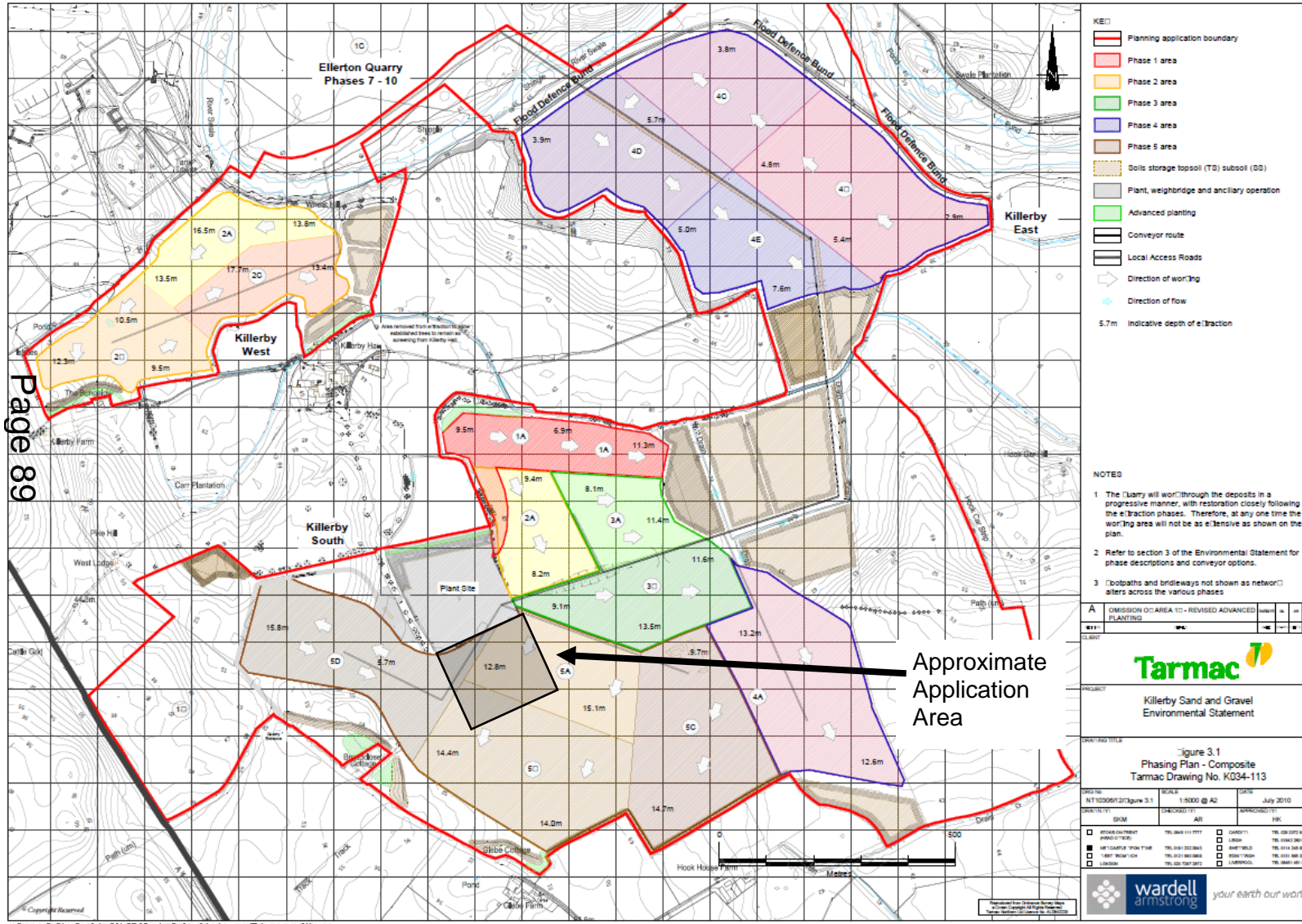


Appendix E – Soil Movements Plan





Appendix F – Mineral Extraction Phasing Plan



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- KEY**
- Planning application boundary
  - Phase 1 area
  - Phase 2 area
  - Phase 3 area
  - Phase 4 area
  - Phase 5 area
  - Soils storage topsoil (TS) subsoil (SS)
  - Plant, weighbridge and ancillary operation
  - Advanced planting
  - Conveyor route
  - Local Access Roads
  - Direction of working
  - Direction of flow
  - 5.7m Indicative depth of extraction

- NOTES**
- 1 The Quarry will work through the deposits in a progressive manner, with restoration closely following the extraction phases. Therefore, at any one time the working area will not be as extensive as shown on the plan.
  - 2 Refer to section 3 of the Environmental Statement for phase descriptions and conveyor options.
  - 3 (Toppaths and bridleways not shown as network) alters across the various phases

A	OMISSION OF AREA 10 - REVISED ADVANCED PLANTING	REVISED	DATE	BY



**PROJECT**  
Killerby Sand and Gravel  
Environmental Statement

**DRAWING TITLE**  
Figure 3.1  
Phasing Plan - Composite  
Tarmac Drawing No. K034-113

DRAWING NO. W11020001/3/figure 3.1	SCALE 1:5000 @ A2	DATE July 2010
DRAWN BY SKM	CHECKED BY AR	APPROVED BY HK
<input type="checkbox"/> APPROVALS <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED FROM TARMAC <input type="checkbox"/> TARMAC APPROVED <input type="checkbox"/> LONDON	<input type="checkbox"/> TEL: 0844 111 1111 <input type="checkbox"/> TEL: 020 300 3043 <input type="checkbox"/> TEL: 020 300 3043 <input type="checkbox"/> TEL: 020 300 3043	<input type="checkbox"/> CARDIFF <input type="checkbox"/> LONDON <input type="checkbox"/> BIRMINGHAM <input type="checkbox"/> LIVERPOOL <input type="checkbox"/> TEL: 020 300 3043 <input type="checkbox"/> TEL: 020 300 3043 <input type="checkbox"/> TEL: 020 300 3043 <input type="checkbox"/> TEL: 020 300 3043



Approximate Application Area







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