

North Yorkshire County Council

Business and Environmental Services

**Planning and Regulatory Functions Committee
22 FEBRUARY 2022**

**C1/21/00118/PLANYC - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITIONS 1,6, 7, 10, 14, 20, 24, 26, 27, 30 OF PLANNING PERMISSION C1/14/00747/CM TO REVISE WORKING TIMES FOR PHASE 3 AND THE RESTORATION SCHEME AT MIDDLETON LODGE QUARRY, KNEETON LANE, MIDDLETON TYAS, RICHMOND, DL10 6NJ
ON BEHALF OF BREEDON NORTHERN
(RICHMONDSHIRE DISTRICT) (RICHMONDSHIRE NORTH ELECTORAL DIVISION)**

Report of the Corporate Director – Business and Environmental Services

ADDENDUM TO SUBSTANTIVE REPORT TO APPLICATION

1.0 Purpose of the addendum

- 1.1 To report on changes to the report due to adoption of Minerals and Waste Joint Plan (MWJP) on 16 February 2022.

2. Changes to report following adoption of Minerals and Waste Joint Plan (MWJP)

- 2.1 Part of the considerations in a Committee Report is assessment of compliance with any Local Plans which are extant. At the time the report was written and submitted to Committee Services for publishing the extant Local Plan in terms of Minerals was the 'saved' policies in the Minerals Local Plan 1997 and these are relied upon in Section 7 Planning Considerations.
- 2.2 The Planning Considerations also refer to the draft policies in the emerging Minerals and Waste Joint Plan, which has been developed to replace the 'saved' Policies in the Minerals Local Plan 1997 and 'saved' Policies in the Waste Local Plan 2006. In the report the emerging policies have been included in Section 6 and given some weight due to the plan having been 'under examination' however were not given full weight due to not being adopted policy.
- 2.3 On the 16th February 2022 the Minerals and Waste Joint Plan was adopted by North Yorkshire County Council at a Full Council meeting. Following the adoption the Policies within the Minerals and Waste Joint Plan 2022 have now become the extant ones.
- 2.4 As a result of the Adoption of the Minerals and Waste Joint Plan the 'saved' policies of the Minerals Local Plan 1997 and Waste Local Plan 2006 should now be disregarded within the Committee report and reliance should now be placed on the Policies within the Minerals and Waste Joint Plan and these policies should now be given full weight in the Planning Considerations section of the report.
- 2.5 The Mineral Local Plan 'saved' policies that have been superseded by MWJP policies. The Minerals and Waste Joint Plan police, which are now extant and should be given

fill weight, detailed in each section of Section 7 – Planning Considerations are listed below for ease of reference.

2.6 Principle of proposed development

Minerals Local Plan ‘saved’ Policies to be disregarded:

- ‘saved’ Policy 4/1 – Determination of Planning Applications.

MWJP extant policies which should now be given full weight:

- Policy M01 – Broad geographical approach to supply of aggregates;
- Policy D01 – Presumption in favour of sustainable minerals and waste development.

2.7 Need

Minerals Local Plan ‘saved’ Policies to be disregarded:

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

MWJP extant policies which should now be given full weight:

- Policy M05 – Provision of crushed rock;
- Policy M06 – Landbanks for crushed rock;
- Policy M09 – Meeting crushed rock requirements.

2.8 Design visual impact and landscape:

Minerals Local Plan ‘saved’ Policies to be disregarded:

- ‘saved’ Policy 4/1 – Determination of Planning Applications;
- ‘saved’ Policy 4/15 – Public Rights of Way.

MWJP extant policies which should now be given full weight:

- Policy D02 – Local amenity and cumulative impacts;
- Policy D06 – Landscape;
- Policy D11 – Sustainable design, construction and operation of development.

2.9 Local amenity (noise):

Minerals Local Plan ‘saved’ Policies to be disregarded:

- ‘saved’ Policy 4/14 – Local Environment and Amenity.

MWJP extant policies which should now be given full weight:

- Policy D02 – Local amenity and cumulative impacts.

2.10 The Historic Environment:

There are no Minerals Local Plan ‘saved’ Policies included in this section.

MWJP extant policies which should now be given full weight:

- D08 – Historic environment.

2.11 Water Environment:

Minerals Local Plan ‘saved’ Policies to be disregarded:

- ‘saved’ policy 4/10- Water Protection.

MWJP extant policies which should now be given full weight:

- Policy D09 – Water environment.

2.12 Restoration and aftercare:

Minerals Local Plan ‘saved’ Policies to be disregarded:

- 'saved' Policy 4/18 – Restoration to Agriculture;
- 'saved' Policy 4/20 – Aftercare.

MWJP extant policies which should now be given full weight:

- Policy D10 – Reclamation and afteruse.

2.13 Highways matters and access

Minerals Local Plan 'saved' Policies to be disregarded:

- 4/13 – Traffic Impact.

MWJP extant policies which should now be given full weight:

- Policy D03 – Transport of minerals and waste and associated impacts.

2.14 Climate Change and biodiversity

There are no Minerals Local Plan 'saved' Policies included in this section.

MWJP extant policies which should now be given full weight:

- Policy D07 – Biodiversity and geodiversity;
- Policy D09 - Water environment;
- Policy D11 – Sustainable design, construction and operation of development.

2.15 Recommendation

To reflect the adoption of the MWJP the recommendation should now be amended to:

9.1 *For the following reason(s):*

- (i) *the proposal accords with the principles of the National Planning Policy Framework (2021), Planning Practice Guidance and does not conflict with Richmondshire Local Plan Core Strategy (adopted 2014) Policies CP1, CP3, CP10, CP12 and CP13. and the Minerals and Waste Joint Plan policies M01, M05, M06, M09, D01, D02, D06, D07, D08, D09, D10 and D11 and*
- (ii) *The proposal does not conflict with the abovementioned policies and it is considered that changing the months allowed for extraction and blasting in Phase 3 and revised restoration scheme would not result in an increased impact on the environment or local or residential amenity and can be mitigated through condition. There are no other material planning considerations indicating a refusal would be in the public interest.*

9.2 *Subject to the completion of a Deed of Variation under Section 106A of the Town & Country Planning Act 1990 to ensure that the terms of the Original Section 106 Undertaking and the subsequent first, second and third section 106A Deeds of Variation continue to apply upon any s73 application consent granted and subject to any comments Members may have, the following be proposed to the Chief Executive Officer for consideration under his emergency powers:-*

The application be approved for the reasons stated in the report in accordance with the conditions outlined below:-

This revised recommendation removes reference to the 'saved' Policies of the Minerals Local Plan which are no longer extant.

2.16 The consideration of this planning application by the Planning and Regulatory Function Committee should proceed taking account of this written update which explains the impact of the adoption of the Minerals and Waste Joint Plan which occurred on 16th February 2022.

K BATTERSBY

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

Background Documents to this Report:

1. Published Officer Report dated 22 February 2022.

Author of report: Joan Jackson