

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

8 MARCH 2022

C1/19/00899/CM - PLANNING APPLICATION FOR THE PURPOSES OF THE ERECTION OF A READY MIX CONCRETE PLANT AND ASSOCIATED AGGREGATE STORAGE ON LAND AT WASHFOLD FARM, LEYBURN, NORTH YORKSHIRE, DL8 5JZ ON BEHALF OF METCALFE FARMS (RICHMONDSHIRE DISTRICT) (MIDDLE DALES 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 a ready mix concrete plant and associated aggregate storage on land at *Washfold Farm*, Leyburn, North Yorkshire, DL8 5JZ on behalf of Metcalfe Farms.
- 1.2 This application is subject to four objections raised by local residents on the grounds of potential impacts upon local roads; road safety; increase in HGVs; access road should be constructed or usable before permission; diversification from agricultural use to agricultural / industrial complex; creation of quarry; visual impact; limited jobs / economic benefits; unacceptable impact on *Leyburn* residents including those living on *Moor Road*; noise, vibration, dust and health impacts; lack of buffer / screening mound insufficient for nearest residential property; further landscaping required. The application is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 *Washfold Farm* lies approximately 1.3 kilometres north-west of the town of *Leyburn*. **Plan 1**, appended to this report, shows the application site itself and **Plan 2** shows an extract from an aerial photograph. The site is located off the *Whipperdale Bank* which runs, via *Moor Lane*, north-westwards out of *Leyburn* and continues north-west past *Bellerby Camp*, in the direction of the village of *Grinton* in *Swaledale*. The site lies to the south of the *Redmire Road* (C34) road that links the village of *Redmire*, eastwards via *Bellerby Camp* (at a crossroads with the *Leyburn* to *Grinton* road), to the A6108. The A6108 is the main road between *Leyburn* and *Richmond*, and thence to the A1 motorway. The other main settlements near to *Leyburn* are *Catterick Garrison*, which is approximately 10 kilometres to the north east, and *Bedale*, 16.5 kilometres to the east.
- 2.2 The buildings at *Washfold Farm* comprise existing agricultural and commercial business-related infrastructure. The farm was, and still is a dairy farm of approximately 850 hectares, with cows and sheep on this and adjacent farms. The family business also includes agricultural and haulage contracting, and general purpose agricultural buildings (planning permission ref. no. 18/00516/FUL, dated 1st October 2018) to the south-west border of the site, as shown on **Plan 3** appended to this report. The farm complex comprises five separate business units, employing over 215 members of staff. The two-storey main office building in the centre of the site, adjacent to the site's weighbridge and hardstanding areas as turning ground for vehicles using and

associated with the various industrial businesses on site, extends to some 10 hectares in area. The most recent addition is a commercial & automotive repair business dealing with all types of vehicles.

- 2.3 The environs of the application site are rural in nature, being largely characterised by open countryside. The surrounding landscape comprises agricultural land together with *Bellerby Moor* to the north (parts of which are used for military purposes) and the operational *Leyburn (Black) Quarry* to the south/south-west on the western side of *Whipperdale Bank*. As the crow flies, the application site is approximately 650 metres from *Whipperdale Bank* and 425 metres from the *Redmire Road (C34)* road. However, on the site, itself, there already exists external lighting mounted on several of the earlier referred buildings and also lighting columns where vehicles circulate.
- 2.4 The residential development of the town of *Leyburn* is situated to the south/south east of the *Washfold Farm*; the nearest residential properties including: *Moor Farm* and *Trap House* approximately 190 metres north-west of the application site, *Stonecroft* approximately 290 metres south and *Sycamore House* approximately 510 metres south-south east of the application site. With the exception of *Moor Farm* and *Yarker Bank Farm* (approximately 1000 metres to the south-east), there are no views of the application site from any residential property due to the undulating topography and existence of extensive mature trees and vegetation around the farm. There are no views to the proposed site from the *Redmire Road (C34)*. However, there is a limited view towards the application site from *Whipperdale Bank* approximately 450 metres north-west of the primary access to *Washfold Farm*. This is currently off *Whipperdale Bank* along a purpose built access northwards past the properties of *Sycamore House* and *Stonecroft*.
- 2.5 The following constraints affect the site and are shown on **Plan 4** appended to this report:
- Environmental constraints:
 - *Impact Risk Zones* identified by Natural England for the *Lovely Seat – Stainton Moor Site of Special Scientific Interest* are relevant for certain types of development, and, as in this case, the development includes extraction and/or potential for air pollution;
 - *Lovely Seat – Stainton Moor Site of Special Scientific Interest (SSSI)* - 99 metres north-east of the access track;
 - *North Pennine Moors Special Area of Conservation, Special Area of Protection and Important Bird Area* - 99 metres north-east of the access track;
 - *Site of Importance for Nature Conservation* – the SINC at *Black Quarry* is over a kilometre distant from the proposed development;
 - Cultural heritage constraints:
 - Scheduled Ancient Monument – there are none within 500 metres of the proposed development; the nearest being 870 metres northeast of *Washfold Farm*;
 - Listed Buildings – none are within 1 kilometre of the site or access track;
 - *Leyburn Conservation Area* – more than 1 kilometre from the site and access track;
 - Highway-related constraints:
 - *SusTrans National Cycle Route (No.71)* – from *Leyburn (via Whipperdale Bank)* to the village of *Grinton* is over 500 metres from area of proposed development;
 - Public Rights of Way – there are none within 500 metres of the site; the nearest being to the west of *Whipperdale Bank*;
 - Other constraints:
 - *Nottinghamshire Coalfield consultation area* – the application area lies outside the development high risk areas that are identified to the north-west of the C34 road;
 - Environment Agency – the site is located within *Flood Zone 1*, so is at low risk of fluvial flooding. Areas of *Flood Zones 2 and 3* lie approximately 155 metres to the south-west/south of the proposed development;
 - Agricultural Land Classification – Grade 4.

Planning History

2.6 The application site has been subject to adaptation as a result of economic change over the years through rural diversification. Russell's PLC (a supplier of agricultural equipment and supplies) is based at the site including increased mechanical repairs, welding, body repairs and re-spraying facilities including associated MOT testing for all types of vehicles. In May 2021, planning permission was granted by the District Council for a building to house 'Wensleydale Vets' veterinary practice. The planning history relating to the proposed development site that is most relevant to the determination of this application is as follows: -

- *18/00516/FULL - Construction of two general purpose agricultural buildings*
This was granted by the District Council on 1st October 2018 and the buildings would be set down into the landscape by the removal of limestone. The extraction from that area has been completed, the buildings in position and a tree belt that was a requirement of the planning permission has been planted;
- *19/00246/FULL - Construction of a new service road access to Washfold Farm, comprising the re-positioning, improved layout and surfacing of an existing access off the C34 Redmire to Catterick road.*
The County Council was consulted on the application, as Mineral Planning Authority, because it was indicated that the construction works for the new access road would involve a combination of building up ground levels to meet the public highway and excavation of the higher ground nearer to the farm complex with an unspecified quantity being exported off site. However, it was understood that that quantity exported would be minimal and as such deemed to be incidental to the development. Planning permission was subsequently granted by the District Council on 1st July 2020 and under construction during 2021;
- *19/00256/FULL - Erection of ready-mix concrete plant and associated aggregate, storage bays along with a service access road.*
Following discussions during the summer of 2019 between the County and District Councils and the Applicant, this application was withdrawn and submitted as a 'county matter' (now the subject of this report);
- *19/00828/FULL - Construction of two general purpose agricultural buildings (revised Site Location Plan, Flood Risk and Surface Water Drainage Assessment).*
The County Council was consulted on the application, as Mineral Planning Authority, due to there being an estimated 45,000m³ (approximately 67,000 tonnes) of limestone to be removed/processed as aggregate product for use on the farm complex, or exported. No mineral planning objections were raised and the application was subsequently granted by the District Council on 7th May 2020. Mineral extraction has now been completed and the buildings are in position;
- *20/00168/FULL - Extension to existing yard to create additional machinery storage along with extension to existing agricultural workshop.*
The County Council was consulted on the application, as Mineral Planning Authority, due to there being an estimated 50,000m³ (approximately 75,000 tonnes) of limestone to be removed/processed as aggregate product for use on the farm complex, or exported. No mineral planning objections were raised and permission was subsequently granted by the District Council on 23rd July 2020. Minerals extraction has now been completed and the buildings are in position;
- *20/00541/VAR - Variation of Condition 1 attached to Planning Permission 19/00246/FULL (dated 1st July 2020) to replace the approved proposed site layout drawing with a revised plan to create a Flood Attenuation Area supplemented by Flood Risk Assessment.*
The County Council was consulted on the application due to the existence of an estimated 50,000m³ (approximately 75,000 tonnes) of limestone to be removed/processed as aggregate product for use on the farm complex or exported. No mineral planning objections were raised and permission was subsequently granted by the District Council 7th May 2021, but it is understood construction has yet to commence;
- *20/00661/FULL - Excavation to create a rainwater harvesting and storage pond.*
The County Council was consulted on application, as Mineral Planning Authority, due to there being an estimated 40,000m³ (approximately 60,000 tonnes) of limestone to be removed/processed as aggregate product for use on the farm complex or exported. No mineral planning objections were raised and permission was subsequently granted by the District Council on 14th March 2021, but it is understood construction has yet to commence;
- *21/00326/FULL - Extension of an existing yard area to create additional parking for machinery.*

The County Council was consulted, as Mineral Planning Authority, due to there being an estimated 10,000m³ (approximately 15,000 tonnes) of limestone to be removed, and, if suitable, processed as aggregate product to be used on the proposed development with the remainder exported. Permission was subsequently granted by the District Council on 12th May 2021 and, it is understood construction commenced during the summer of 2021.

- 2.7 A letter, dated 28th May 2019, from the Agent for the applications 19/00246/FULL and 19/00256/FULL included the following statement in respect of the source of material to be used in the RMC plant:

“there is no reason as to why a proportion of the processed stone excavated to construct the new access road (and lesser about for the establishment of the RMC plant) could not be used in part for concrete production. Furthermore... planning consent exists for limestone extraction at Washfold Farm (Consent No C1/78/412/MR granted in 2000) although works cannot proceed until a number of pre-commencement planning conditions are submitted and formally discharged. In the fullness of time, it is proposed that processed limestone from the “on-site” quarry would supply the RMC plant via an existing internal access route’.

- 2.8 In order to provide context to the application under consideration, the above statement relates to an area of land to the north of *Whipperdale Bank*, within the current Metcalfe Farm land holding which benefits from an extant mineral consent. This permission, originally granted on 5th July 1963 (ref. no. [2/4/588](#)) and shown on **Plan 8** appended to this report, was the subject of an application for the determination of new conditions that was subsequently determined (ref: [C1/78/412/MR](#)) on 5th April 2000. The *First Review* of that decision under the *Periodic Review of Mineral Planning Permissions* was due by 5th April 2015. However, a request (ref: [NY/2014/0392/MRR](#)) to postpone the *First Review* relating to permission ref. no. C1/78/412/MR was confirmed on 24th February 2016 and the review has been postponed until 3rd April 2025. Notwithstanding this postponement, a separate application has been received by the County Council (ref. no. [NY/2021/0165/FUL](#)) which seeks permission for the purposes of the ‘*creation of a new access to the quarry area permitted for minerals extraction under planning permission C1/78/412/MR*’ and this is currently under consideration.

- 2.9 Mineral extraction within the area covered by the old mineral permission ref. no. [2/4/588](#) (north of *Whipperdale Bank* and shown on **Plan 8**) could not legally recommence until a scheme of working and restoration relating to this land has been submitted and approved under the terms of condition no.s 8, 10 & 32 of planning permission [C1/78/412/MR](#) and while limestone from that said land could potentially be used as a source of limestone for the proposed RMC plant, it would be dependent upon receipt of the requisite approvals or permissions to do so from the County Planning Authority and similar to the aforementioned receipt of an application proposing a new access, an application for the ‘*approval of details reserved by condition no.s 8, 10, and 32 of planning permission ref. C1/78/412/MR, which relates to the scheme of working and restoration, soil storage details and the aftercare scheme*’ (application ref. no. [NY/2021/020/A27](#)) has been received and this is also currently under consideration.

3.0 The Proposal

- 3.1 Planning permission is being sought for the erection of a ready-mix concrete plant (hereinafter referred to as an RMC plant) and associated aggregate storage on land at *Washfold Farm*, near Leyburn on behalf of the Metcalfe Farms. As part of the development, it is proposed that limestone would be removed in order to enable the plant to be located at lower level within the landscape. The 0.89 hectare application site (shown on **Plan 1** appended to this report) is located approximately 50-60 metres to the north-west of the main complex of farm buildings which is currently used for the parking of vehicles and plant. The application site currently lies partly at original ground level which is approximately 265-268 metres Above Ordnance Datum (AOD); and is partly at 260 metres AOD which is the excavated level of the area where two agricultural barns have recently been erected and two further agricultural barns closest to the site were permitted in 2020.

- 3.2 The proposed RMC plant would occupy an area of less than 0.1 hectare (1,000 m²) and, rather than using the route from *Whipperdale Bank*, it would use the access road for HGV traffic from the *Redmire Road (C34)* road for the delivery of raw materials and the export of concrete. This road, permitted by the District Council in 2020, has commenced construction. It would connect with a service access road at the north-east corner of the development site leading to a hardstanding area at a finished level of 265 metres AOD. Four aggregate storage bays would be established to the north-west of this area of hardstanding to enable the graded products to be stored and then separately loaded into the aggregate reception hoppers that would serve the RMC plant itself (see **Plan 5 Site Layout** appended to this report). The aggregate in the bays would be retained by reinforced concrete panels (or interlocking concrete blocks) and transferred to the aggregate reception hoppers within the plant by a loading shovel. However, if the opportunity were to arise, a percentage of the HGVs could tip directly into the aggregate reception hoppers. The individual storage bays would each have a holding capacity of 250 to 300 tonnes, whereas the aggregate reception hoppers within the plant itself would each typically have a capacity of 40 tonnes.
- 3.3 The plant would use a fully computerised batching process to produce the batched concrete, using aggregate, cement, water and admixtures. The overall installation would consist of a batch control cabin, aggregate reception hopper bays, cementitious silo, batch conveyors, mixing unit and loading chute. The mixer tower that would discharge the material into the ready-mix concrete truck would be approximately 9.2m high, but located 7 metres below the higher ground level to the west (see **Plan 6 Sections** appended to this report). The mixing loading head would be enclosed on three sides and have an incorporated sprinkler system to control dust emissions. The aggregate receptor hoppers and conveyors incorporated in the plant structure would be protected against wind turbulence so as to minimise airborne dust and this would be aided by the plant's location below existing ground level giving shelter from the prevailing wind. Two cement silos of a similar height would be set at the same lower ground level so that most of the structure would be below ground. The silos would be clad with neutral 'goose wing grey' coloured panels.
- 3.4 The aggregate used would typically be a mix of 45% sand and 55% stone. The sand would be commercially sourced from established quarries such as those at *Nosterfield* or *Scorton/Catterick*. Stone would either comprise limestone or gravel depending on the specification required by the end-user. If gravel is required, then this would again be sourced on a commercial basis from a quarries such as those at *Nosterfield* or *Catterick*; whereas, if limestone is required, then this could be imported from one of the local quarries. Deliveries to site of cementitious powders would be made only by tankers fitted with on-board relief valve and filtration system. The two cement silos would be fitted with an automatic system to cut off delivery in the event of pressurisation or overfilling. The concrete vehicles would enter and leave the plant from the lower level of the site. Outside of operating hours, the concrete vehicles would be parked within the lower level of the concrete plant area or within the existing consented Metcalfe Farms yard area.
- 3.5 It is anticipated that during a typical week, the plant would use approximately 1,000 tonnes of imported primary aggregate (sand, sized-gravel and lesser amounts of limestone), equating to seven aggregate deliveries per day on average. There would be also up to four tanker deliveries of cementitious powder per week. It is envisaged that the plant would typically produce 90m³ of product per day, utilising three barrel-mixer trucks which would be permanently based at the site, amounting to an estimated production of concrete from the RMC plant of 20-25,000m³ per year using the imported aggregate. This would typically equate to 44 movements (22 in and 22 out per day) and a maximum of 54 movements (27 in and 27 out per day).

- 3.6 During the '*construction phase*' of the proposed development, a limited volume of limestone (some 7,700 tonnes) is proposed to be excavated to enable the plant to be located at a lower floor level below original ground level to allow mixer trucks to access the lower part of the plant (which would be consistent with the lower level of the existing farm yard area) as well as providing the benefit of '*sinking*' the plant so as to minimise any visual impact. The '*construction phase*' would involve earthmoving operations including the extraction of limited volumes of limestone to create the desired lower floor level. This excavated material amounting to approximately 7,700 tonnes would be incidental to the development and likely to be used for farm track maintenance within the *Washfold Farm* complex. This incidental mineral extraction area, totaling 0.1 hectares, is shown on **Plan 7** appended to this report and the Applicant envisages that this extraction would take six weeks. The application details include a [Construction Environmental Management Plan](#) covering the proposed management of on-site dust, noise and vibration as Appendix D to the [Supporting Statement](#).
- 3.7 The majority of the operations associated with the proposed plant would be carried out during daylight hours. However, during the winter months (half an hour either side of the operational hours) artificial external lighting around the site for health, safety and security requirements is proposed. This lighting would be downward facing to minimise any potential adverse impact and would focus light down onto the immediate operational areas and not outlying areas. The elevation of the floodlights would be limited to a maximum of 5 metres in height. The intensity of lights would range between 25 and 75 LUX, with the spread of light up to 30 metres away. Light spillage to the rear of fixed units would be negligible and glare from lighting towers would be limited by shrouds. The applicant is agreeable to the location of this lighting being subject to a requirement for the details to be approved as a submission under the terms of any planning condition that might be imposed prior to the ready mix concrete plant and associated aggregate storage development being brought into use.
- 3.8 There are no restrictions on the existing hours of operation at the farm, but the application was accompanied by a [Noise Impact Assessment](#) which refers to the proposed plant operating between 0600-1900 hours Mondays to Fridays and between 0700-1500 hours on Saturdays. However, the proposed hours for soil/overburden removal and extraction of mineral are proposed to be between 0700-1800 Mondays to Fridays and 0800-1500 hours on Saturdays. The anticipated hours for blasts associated with the removal of the incidental limestone are proposed to be between 1000-1600 hours on weekdays only, but the applicant explains that it is likely that only two blasts, in total, would be required.
- 3.9 The application details proposed a landscaped mound to be created from soils stripped from within the application area and located to the north-west of the RMC plant area, close to the western boundary of the farm and lying between the development site and the properties of *Moor Farm* and *Trap House*. The crest of that mound, having a gentle north-westerly outer slope and lying at 270 metres AOD (approximately a metre above the highest point of the proposed development) as well as being seeded as a calcareous grassland is understood to now be in place and seeded and therefore in position prior to any development as currently proposed.
- 3.10 The Applicant considers that the facility would provide an additional service to those already provided by Metcalfe Farms to local farms and small developments taking place in the Dales, as well as providing an additional seven permanent jobs within the Leyburn area (3 HGV drivers, 1 loading shovel driver, 1 batcher, 1 manager and a Sales/Accounts job).
- 3.11 The application has been screened, as required under the *Town and Country Planning (Environmental Impact Assessment) Regulations 2017* and, on 19th December 2019, confirmed as development falling within *Category 5(b) Mineral Industry of Schedule 2*

to those regulations. After taking into account the criteria set down within *Schedule 3* of those regulations, the characteristics of the proposed development (having a new floorspace of less than 1,000m²), the environmental sensitivity of the location and the types and characteristics of the potential impacts, the conclusion drawn, based on the scale, nature and location of the development, was that the proposed erection of a RMC plant and associated aggregate storage would not have significant impacts upon the environment and would not, therefore, constitute EIA development and any application would not require to be accompanied by an *Environment Statement*.

4.0 Consultations

- 4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 6th January 2020, with the exception of the *Lead Local Flood Authority* having been consulted on 14th February 2020.
- 4.2 **Richmondshire District Council (Planning)** – advised on [3rd February 2020](#) that there were **no objections**, providing the County Council was satisfied with regard to the issues of highway safety, neighbour impact from noise and disturbance, surface water drainage and flooding, and landscape impact.
- 4.3 **Richmondshire District Council (Environmental Health Officer (EHO))** – replied on [20th January 2020](#) with the following:

Noise:

The [Noise Impact Assessment](#) (NIA) had assessed the likely noise impacts of the operations of the proposed concrete batching plant activities (loading shovel, mixer truck loading and motors from the reception hopper) on the nearest residential property (*Moor Farm*). The EHO noted that the NIA had included the operating times of 0600-1900 Monday to Friday and Saturday 0700-1500 and advised that the hours of 0600 to 0700 would be classed as ‘night-time’ and the remainder of the hours would be ‘day-time’. Day-time background noise levels had been measured for the NIA assessment and calculated for ‘day-time’ and ‘night-time’ based on noise from the activities described above. The EHO noted the NIA report’s conclusion that, in relation to the *National Planning Policy Framework* and its associated Guidance, the ‘noise levels at the receptor accord with the ‘No Observed Effect Level’ and considered that this was acceptable. The EHO noted that the background L90 level used for the night-time calculations is that measured at around mid-day and that it was possible that background levels would be much lower at 0600 hours (depending on the activities at the farm / industrial activities at that time) meaning that the impact on external amenity could be greater than that indicated in the NIA. However, the report has gone onto assess the internal impact (i.e. inside the bedrooms) using British Standard BS8233:2014 criteria and it was considered that the levels calculated at the receptor would meet this criteria.

Lighting:

With regards to lighting, the EHO noted reference in the [Supporting Statement](#) to artificial lighting during the winter months and recommended that the siting/use of the lighting is restricted by appropriate condition(s) to ensure that:

- a lighting plan is agreed;
- the lighting is not used beyond half an hour outside of any agreed operational hours; and,
- any lighting is arranged so as not to shine directly towards any dwelling.

The consultation response also advised that the concrete batching plants would be regulated as a permitted activity under the *Environmental Permitting (England and Wales) Regulations 2016* by Richmondshire District Council.

In terms of the construction stage, the EHO considered that there could be some disturbance to nearby residential properties during the construction phase in terms of

possible noise, dust and vibration, but expected this would be short-term (6 weeks) as indicated in the application form. The [Construction Environmental Management Plan](#) (CEMP) did address mitigation and construction times and the EHO considered it was acceptable and that the impact would not be significant, but the EHO recommended that a planning condition be included to require compliance with the submitted CEMP and the construction times given in the CEMP.

The EHO considered that there was likely to be an impact on the nearby residential properties amenity due to the construction and operation of the plant, but did not consider this impact would be significant and **did not object** to the application subject to the inclusion of recommended conditions.

- 4.4 **Leyburn Town Council** – confirmed on [21st January 2020](#) that it supported the application's proposal to keep HGV's out of the Town Centre. It felt strongly that all, or as much traffic as possible, should approach the farm via the 'tank road', and not through *Leyburn* to minimise HGV movements through *Leyburn* and on *Moor Road*. In addition, reference has been made that a new concrete plant would assist in the creation of the new access road and would broaden the economic base of the business and increase employment opportunities. However, the Town Council considered strongly that the plant should not go into full production until the access road was completed.
- 4.5 **Bellerby Parish Council** – confirmed on [28th January 2020](#) that it reiterated the comments made previously to Richmondshire District Council that largely supported the development's bringing of employment into the area, mentioning that the landowner had worked with community in Bellerby taking into account their concerns over flooding through the planting of a large numbers of trees and development of ponds on the *Washfold Farm* site.
- On [11th February 2020](#) they referred to a request from a group of residents that '*the Parish Council liaise with Flood Risk Management, Planners and any other appropriate bodies to ensure all aspects (including the run off from Park Gill) are considered to give the best outcome for Bellerby*'. The Parish Council stated that assurances had been given by the Flood Management Team that the water flow would be taken into account as part of the planning process.
- 4.6 **Highway Authority** – advised on [24th January 2020](#) that there were **no objections** to the proposal on the basis that that all Heavy Commercial Vehicle traffic associated with the operation of the concrete plant would use a new vehicular access which would join the C34 'Tank Road' to the north of the site, apart from those involved in local deliveries of prepared concrete.
- 4.7 **NYCC Ecology** – replied on [8th January 2020](#) to confirm that although no environmental information had been provided, the development would be on previously cleared land that was already in use as part of the haulage yard. Therefore, the proposal did not involve any tree, hedgerow or other established habitat removal and there were no concerns regarding the development's footprint. The [Construction Environmental Management Plan](#) included dust control during construction and adherence to this plan, to be secured by condition, was recommended.

The distance from the boundary of the *North Pennine Moors Special Protection Area* (SPA) and *Special Area of Conservation* (SAC) (approximately 550 metres) that also encompasses the *Lovely Seat - Stainton Moor Site of Special Scientific Interest* (SSSI) was noted. The conclusion was that significant effects on the features for which the SPA/SAC/SSSI are designated (principally upland birds and moorland vegetation), was unlikely due to the development being '*within a sizeable industrial site*' and separated by a number of agricultural fields and a road from the SPA. Plus the site

would not remove any foraging or nesting habitat used by wider populations of SPA bird species and so a formal assessment under the *Conservation of Habitats & Species Regulations 2017* was not necessary.

Further information regarding the screening bund was requested as the NPPF encourages developers to contribute to biodiversity net gain by creating habitats, for example the potential to create limestone grassland or upland woodland on the bund. Within a further response on [28th January 2020](#) in respect of the details of the seeding, the Ecologist advised that if the seed mix includes Common Knapweed, this should be of northern provenance as, from both landscape and ecology points of view, use of local/regional seed sources is encouraged where possible. Secondly, that during the establishment period, arisings should always be removed, rather than spread over the plot.

- 4.8 **NYCC Landscape** – replied on [28th January 2020](#) to confirm that there was **not a landscape objection** as generally the development would be set low in the landscape and well screened from wider views by topography and the proposed screen mound. However, as lighting was proposed, the details of a suitable lighting scheme should be obtained and secured by condition, to minimise adverse visual effects from light overspill and glare.
- 4.9 **Natural England** – advised on [27th January 2020](#) that it **did not object**, as based on the plans submitted, it was considered that the proposal would not have significant adverse impacts on *North Pennine Moors Special Area of Conservation* and *Special Protection Area* and that in terms of the *Habitats Regulations* ‘a likely significant effect can be ruled out’. Furthermore, the proposal would not damage or destroy the interest features for which the *Lovely Seat - Stainton Moor Site of Special Scientific Interest* was notified. Natural England only provides bespoke advice on protected species where they form part of a SSSI or in exceptional case and hence in this case it advised that Natural England’s standing advice should be applied. This online resource provides details of what action a developer should take in respect of a range of protected species in the event that protected species are discovered after development has started (for example in connection with bats).
- 4.10 **Environment Agency** – raised **no objection** on [13th January 2020](#) and provided advice for the applicant regarding the use of excavated material on the site and that the *Environmental Protection (Duty of Care) Regulations 1991* for dealing with waste materials were applicable to any off-site movements of waste.
- 4.11 **NYCC Lead Local Flood Authority (LLFA)** – replied on [6th March 2020](#), confirming that the LLFA had used the best available flood mapping to review the application and considered that the proposed site would have little, to no, effect on the surrounding hydrology. In addition, as no large areas of hard standing are proposed, the permeable area remains the same.

Notifications

- 4.12 County Cllr. Karin Sedgwick – was notified on 6th January 2020.

5.0 Advertisement and representations

- 5.1 While the application was originally submitted in September 2019, it has been subject to revisions and these were submitted in the December of that year giving rise to consultation taking place in the early part of 2020. As a consequence, this application was advertised by means of two Site Notices posted on 7th January 2020, responses to which expired on 28th January 2020. Site Notices were posted in the following locations: on the sign on the east side of the existing entrance to *Washfold Farm* from *Whipperdale Bank* and on a tree opposite the location of the proposed access to the

site from the *Redmire Road (C34)*. A Press Notice appeared in the *Darlington and Stockton Times* on 10th January 2020, responses to which expired on 24th January 2020.

- 5.2 With respect to *Neighbour Notification*, in accordance with the County Council's adopted [Statement of Community Involvement](#), it was considered that, in addition to posting of the Site Notices, neighbour notification should take place for the following reason to ensure that effective attention of local residents was drawn the existence of the planning application: the existing *Washfold Farm* access is on a different road to the proposed access.
- 5.3 Neighbour Notification letters were sent to eleven properties on 6th January 2020 and the period in which to make representations expired on 27th January 2020. The following properties received a neighbour notification letter:
- Deer Park Cottage;
 - Moor Farm;
 - Trap House, Moor Farm;
 - Stonecroft, Washfold Farm;
 - Sycamore House, Moor Road;
 - Quarry Barn, Moor Road;
 - 1 - 5 Rangewardens Cottages, Moor Road;
 - CEMEX Materials, Moor Road.

A total of four representations have been received raising objections on the grounds of:-

- traffic:
 - the development is likely to have an unacceptable impact on local roads;
 - increase in heavy goods vehicles;
 - impact on road safety through Leyburn including on Moor Road;
 - planning permission for the concrete plant should only be granted once the proposed new access road is constructed and usable;
- landscape & visual impacts:
 - creation of a quarry;
 - visual impact from Moor Road;
 - screening mound being insufficient and further landscaping required;
 - further diversification away from agricultural use creating a large agricultural-industrial complex on the outskirts of Leyburn;
- impacts upon local amenity:
 - potential noise, vibration, dust and health risks;
 - inadequacy of noise and vibration assessments;
 - impact on enjoyment of property;
 - proximity to residential property and lack of a buffer zone.
- economic impacts:
 - relatively small number of jobs and economic benefits are outweighed by the unacceptable impact on a large number of Leyburn residents including those of Moor Road;

6.0 Planning policy and guidance

The Development Plan

- 6.1 [Section 38\(6\)](#) of the [Planning and Compulsory Purchase Act 2004](#) requires authorities to determine applications in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. Furthermore, **Paragraph 11** of the [National Planning Policy Framework](#) (2021) (and supported by the periodically updated national [Planning Practice Guidance](#) online resource) directs, at **part c)**, the approval, without delay, proposals that accord with the *development plan* and, at **part d)**, 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 [the NPPF] that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii.) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole’.*

6.2 In this instance, the *Development Plan* consists of extant policies contained within a number of planning documents. These documents include the:

- the [Minerals & Waste Joint Plan](#) (adopted February 2022) ; and,
- the [Richmondshire Local Plan 2012-2028 Core Strategy](#) (2014).

6.3 While **NPPF Paragraph 48** directs weight afforded to policies of particular plans is to be dependent upon:

- *the stage of preparation of the 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 plan to the policies [in the NPPF] (the closer the policies in the plan to the policies [in the NPPF], the greater the weight that may be given)*

both of the afore-mentioned documents that form the *development plan* post-date the publication of the NPPF and therefore prepared in the context of published national policy. However, for ease of reference, those paragraphs of the NPPF herein referred are provided, in extract, within Appendix A to this report.

‘Development Plan’ document – the [Minerals & Waste Joint Plan](#)

6.4 The [Minerals and Waste Joint Plan](#) (MWJP) was adopted on 16th February 2022 and prepared and examined post-publication of the NPPF. The policies most relevant to this application are:

Minerals policies:

- *MWJP Policy M01 Broad geographical approach to supply of aggregates*

Development management policies:

- *MWJP Policy D01 Presumption in favour of sustainable minerals and waste development*
- *MWJP Policy D02 Local amenity and cumulative impacts*
- *MWJP Policy D03 Transport of minerals and waste and associated traffic impacts*
- *MWJP Policy D06 Landscape*
- *MWJP Policy D07 Biodiversity and geodiversity*
- *MWJP Policy D09 Water environment*
- *MWJP Policy D11 Sustainable design, construction and operation of development*
- *MWJP Policy I02 Locations for ancillary minerals infrastructure*

6.5 **MWJP Policy M01** steers minerals and waste development proposals toward areas which lie outside the North York Moors National Park, Areas of Outstanding Natural Beauty and the City of York with a few identified exceptions to this.

6.6 The relevant parts of **MWJP Policy D01** in regards to presumption of sustainable development are that, in considering proposals, a positive approach, reflecting the NPPF’s presumption in favour of sustainable development, will be taken and that applicants will be worked with proactively to find solutions which mean that proposals can be approved wherever possible and secure development that improves the economic, social and environmental conditions in the area.

6.7 **MWJP Policy D02** steers minerals proposals, including ancillary development and transport infrastructure, toward sites where it can be demonstrated that there will be

no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space with proposals expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable (**Part 1**) and, within **Part 2** of that policy, encouragement is given to conducting early and meaningful engagement with local communities and to reflect the outcome of those discussions in the design of proposals as far as practicable.

- 6.8 **MWJP Policy D03** seeks to ensure, where road haulage is proposed, that there is appropriate infrastructure capacity to accommodate such traffic and would avoid giving rise to unacceptable impacts as well as any impacts being capable of being mitigated by means of access improvements and routing agreements etc.
- 6.9 **MWJP Policy D06** requires in **Part 1**) the protection of all landscapes from the harmful effects of development and lends support to proposals where:
'it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures'.
- 6.10 **MWJP Policy D07** requires proposals to demonstrate that there would be no unacceptable impacts on biodiversity, including on statutory and non-statutory designated or protected sites and features and that a very high level of protection will be afforded to sites designated at an international level, including SPAs and SACs with development which would have an unacceptable impact on these sites not being permitted (**Parts 1**) and **2**)).
- 6.11 **MWJP Policy D09** lends support to proposals in its **part 1**) where:
'it can be demonstrated that no unacceptable impacts will arise, taking into account any proposed mitigation, on surface or groundwater quality and/or surface or groundwater supplies and flows'.
- 6.12 **MWJP Policy D11** seeks to ensure that the design, construction and operation of minerals and waste development incorporates measures appropriate and proportionate to the both the scale and the nature of the proposed development.
- 6.13 **MWJP Policy I02** recognises the importance of ancillary minerals infrastructure explaining:
'an important aspect of these additional activities, which are of industrial character, is that they all depend on the availability of mineral as a key raw material, but are not in themselves essential for the initial extraction and processing of the primary mineral itself
and going onto say:
'where ancillary infrastructure is located at the site of extraction, this can have the benefit of adding value before the raw material leaves the site and thus help reduce the overall volume of material transported'.
This policy seeks, *inter alia*, to ensure against the generation of any significant additional adverse impact on local communities, businesses or the environment (**part 1 (ii)**) or unacceptably increase road haulage (**part 1 (iii)**).

'Development Plan' document – the [Richmondshire Local Plan 2012-2028 Core Strategy](#)

- 6.14 With regards the second of the documents which comprise the 'development plan', namely the [Richmondshire Local Plan 2012-2028 Core Strategy](#) (adopted 2014) (herein referred to as (RLP-CS), the most relevant policies of this Plan include:
- *Spatial Principle SP1:* Sub Areas &
 - *the Lower Wensleydale Spatial Strategy (LWSS)*
 - *Spatial Principle SP3:* Rural Sustainability
 - *Spatial Principle SP5:* Scale and Distribution of Economic Development

- Core Policy CP1: *Planning Positively*
- Core Policy CP2: *Responding to Climate Change,*
- Core Policy CP3: *Achieving Sustainable Development*
- Core Policy CP4: *Supporting Sites for Development*
- Core Policy CP7: *Promoting a Sustainable Development*
- Core Policy CP8: *Achieving Rural Sustainability*
- Core Policy CP12: *Conserving and Enhancing Environmental and Historic Assets*
- Core Policy CP13: *Promoting High Quality Design.*

It must, however, be acknowledged that none of these policies have been prepared and indeed adopted specifically with minerals and/or waste-related proposals as their primary focus.

- 6.15 **RLP-CS Spatial Principle SP1 ('Sub Areas')** identifies 'Lower Wensleydale' as: *'an area of modest growth, reflecting the location of Leyburn within the sub area, which has a substantial capability to support its rural hinterland. The scale of development in this sub area will also reflect its role in supporting and providing for the needs of the adjacent part of Richmondshire which lies within the Yorkshire Dales National Park'.*
- 6.16 The *Lower Wensleydale Spatial Strategy (LWSS)* directs that outside the *Local Service Centre of Leyburn* (the nearest to the proposed development): *"sustainable development in accordance with Spatial Principle SP3 will be supported, particularly development which reflects the sub area's role as an entry point and provides for the needs of the adjacent part of Richmondshire in the Yorkshire Dales National Park"*
- 6.17 **RLP-CS Spatial Principle SP3 ('Rural Sustainability')** promotes rural vitality and quality by priority being given to supporting rural sustainability, *"protecting and enhancing its environmental assets and character, and sustaining the social and economic fabric of its communities, by [inter alia] promoting"*:
- *a sustainable rural economy;*
 - *social and economic regeneration; and,*
 - *conservation or improvement of the rural environment...'*
- 6.18 **RLP-CS Spatial Principle SP5 (Scale and Distribution of Economic Development')** supports *"small scale development...to meet local employment needs"* outside those area identified within the policy.
- 6.19 **RLP-CS Core Policy CP1 ('Planning Positively')** advises a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and proactive approach to find solutions such that proposals can be approved wherever possible, as well as seeking to secure development that improves the economic, social and environmental conditions in the plan area.
- 6.20 **Part 3 of RLP-CS Core Policy CP2 ('Responding to Climate Change')** has as its focus **'Climate Change Adaptation'** and requires all new development to be adaptable to climate change in terms of both its location, specific design and layout and, *inter alia*, seeking to reduce flood risk arising from surface water runoff from new development through design of development.
- 6.21 Of particular relevance is an element of **RLP-CS Core Policy CP3 ('Achieving Sustainable Development')** which importantly expects consideration to be given to the prior extraction of any mineral resource within *Mineral Safeguarding Areas*. Although lying outside the proposed boundary of a *Mineral Safeguarding Area* within the [Minerals and Waste Joint Plan](#), the application site is nevertheless within close proximity, some 500 metres; thereby rendering consideration of this element important in the determination of this application.

- 6.22 Within **Part 3**, in particular, of **RLP-CS Core Policy CP4 ('Supporting Sites for Development')** it requires that development should not:
- impact adversely on the character of a settlement or its setting, important open spaces and views; designated and undesignated heritage assets and the character of the landscape;*
 - lead to the loss of/adverse impact on/or cause deterioration of important nature conservation, water bodies or biodiversity or geodiversity sites;*
 - result in the unacceptable loss of locally important open spaces or community facilities;*
 - be located in areas of flood risk or contribute to flood risk elsewhere; or,*
 - cause significant adverse impact on amenity or highway safety.*
- 6.23 **RLP-CS Core Policy CP7 ('Promoting a Sustainable Economy')** states that in order to develop and sustain the district's economy, support will be given to a variety of proposals including *small scale rural economic development to meet local needs* therein listed as criterion **(i)**.
- 6.24 **RLP-CS Core Policy CP8 ('Achieving Rural Sustainability')** lends support, in **Part 1**, to the social and economic needs of rural areas by encouraging the expansion of rural businesses (**part b.**) and diversification of the agricultural economy (**part e.**). Within **Part 2**, it lends support to social and economic regeneration of rural areas stating:
- In all cases, development should respond to climate change and be designed to be sustainable, consistent with the requirements of Core Policies CP2 and CP3; should not conflict with landscape character, amenity, environmental protection or nature conservation policies of the plan but should seek to enhance the environment; and should provide any necessary mitigating or compensatory measures to address harmful implications.*
- 6.25 **RLP-CS Core Policy CP12 ('Conserving and Enhancing Environmental and Historic Assets')** does not support development which:
- has a detrimental impact upon the significance of a natural or man-made asset;*
 - or*
 - is inconsistent with the principles of an asset's proper management.*
- With regards to Environmental Assets, the approach includes:
- landscape character of the plan area will be maintained, enhanced and, where appropriate, restored to ensure a sustainable future for the natural and historic environment; and,*
 - the biodiversity and geodiversity of the plan area will be maintained, enhanced and, where appropriate, restored to ensure a sustainable future for the natural environment.*
- 6.26 **RLP-CS Core Policy CP13 ('Promoting High Quality Design')** directs that high quality design of landscaping is a priority in all development proposals and, in **part b.**, supports proposals that respect and enhance the local context and its special qualities, including its design features, landscape, social activities, historic environment and nationally and locally recognised designations. It also instructs a balance to be made to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and areas of nature conservation.

7.0 Planning considerations

- 7.1 As earlier referred, [Section 38\(6\)](#) of the [Planning and Compulsory Purchase Act 2004](#) requires authorities to determine applications in accordance with the planning policies that comprise the 'Development Plan' unless material considerations, including any impacts upon interests of acknowledged importance, indicate otherwise.
- 7.2 There exists a range of planning policies within the documents that form the 'Development Plan' (Section 6.0 above refers) that need to be taken into account, as well as a number of other material considerations. In considering the relationship of the proposal to the 'Development Plan', Members are advised that proposals need to be judged against the 'Development Plan', as a whole, rather than against individual policies in isolation. Members are also advised to bear in mind the relative weight to be

attached to the applicable policies in the various elements of the '*Development Plan*' relevant to this proposal against that which is laid down within national planning policy (Section 6.0 above again refers). The analysis that follows establishes the acceptability, or otherwise, of the proposal against relevant policies to establish whether '*in principle*' the development either is, or is not, acceptable by virtue of the proposal's degree of compliance and/or conflict with policies contained within each of the relevant '*Development Plan*' documents. It should be noted that it does not follow that where a proposal conflicts/complies with just one policy that a proposal must be deemed unacceptable/acceptable, but it is a question of the degree of conflict/compliance and the weight apportioned in a particular circumstance that gives rise to the final analysis.

- 7.3 Within the paragraphs that follow this '*in principle*' position in land use planning terms lies the analysis of the proposal in respect of the effects of the proposed development upon various interests of acknowledged importance and the establishment of whether there exist any '*other material considerations*' that would outweigh/override the earlier referred '*in principle*' position. In light of the extant '*Development Plan*' policies, the main considerations in this instance are (please note, no inference of particular importance should be taken from the order in which the issues below appear):
- highway matters: traffic & transport (including vehicle numbers, routing & and road safety);
 - landscape and visual impact;
 - local amenity (including hours of operation, noise, air quality (e.g. emissions and dust) vibration and light pollution;
 - flood risk, drainage and water quality;
 - biodiversity, habitats, nature conservation and protected species; and,
 - economic impacts.

Principle of the proposed development

- 7.4 Amongst the aims of the MWJP are those safeguarding important minerals resources and minerals infrastructure for the future, prioritising the long-term conservation of minerals through facilitating provision of sustainable alternatives to primary minerals extraction, including increasing the re-use and recycling of minerals and the use of secondary aggregates and planning for the steady and adequate supply of the minerals needed to contribute to local and wider economic growth, built development, quality of life, local distinctiveness and energy requirements, within the principles of sustainable development while, simultaneously, ensuring the sustainable use of resources in a way which protects the local environment, both natural and historic, as well as safeguarding the amenities of those living and working in local communities. These aims are consistent with the NPPF(2021) which recognises minerals are a finite natural resource and can only be worked where they are found and that '*best use*' should be made of them (***NPPF Paragraph 209*** refers) as well as being consistent with the NPPF's placement of '*great weight*' upon the benefits of mineral extraction (***Paragraph 211***).
- 7.5 The proposal currently under consideration meets these aims when taking into consideration that it would be a contribution to the county's ability to maintain an adequate and steady supply of mineral to market; albeit acknowledged to be somewhat limited in this particular instance in light of the estimated mineral reserve available of 7,700 tonnes. It would also provide a means of ensuring that a known mineral deposit beneath the site of the proposed development would, as far as possible, avoid being unnecessarily sterilised and would sustain mineral-related employment within the local economy.
- 7.6 The extant land use planning policies against which to assess the acceptability, or otherwise, of the proposed development, in principle, mainly comprise MWJP policies ***M01, D01, D02, D11*** and ***I02*** of the [Minerals and Waste Joint Plan](#). There are also other policies which comprise the '*Development Plan*' in force for the area to which

regard must also be had when considering the *'in principle'* acceptability of the proposal i.e. policies SP1, SP3, SP5, CP1, CP3, CP7 and CP8 and the *Lower Wensleydale Spatial Strategy* of the [Richmondshire Local Plan 2012-2028 Core Strategy](#) (RLP-CS); though these policies must be acknowledged as not being prepared and/or adopted specifically with minerals and waste-related proposals as their focus. The assessment of the proposed development against these policies insofar as its acceptability, in principle, can be found in the paragraphs that follow below.

- 7.7 The proposed development, whilst principally involving the erection of a ready-mix concrete (RMC) plant and associated aggregate storage, also proposes the incidental / *'prior extraction'* of the mineral which lies beneath. The application is therefore assessed against the policies relevant to the extraction of mineral as well as the principal development itself i.e. the RMC plant and its associated aggregate storage.
- 7.8 Compliance with one element of the development plan, **MWJP Policy M01**, is readily achieved by dint of the fact that proposal lies outside those areas identified within that specific policy; namely the North York Moors National Park, Areas of Outstanding Natural Beauty and the City of York. As the paragraphs that follow within this section of the report outline, compliance is similarly achieved in respect of **MWJP Policy D01** which supports proposals that accord with the policies that comprise the *'development plan'* where that achieves sustainable development; an overarching objective of the planning system.
- 7.9 It is acknowledged that the site of the proposed development falls outside the boundary of any MWJP allocations, *'areas of search'* for mineral or safeguarded areas identified within the Plan and, while the proposal would not constitute an extension to an existing quarry *per se*, it is nevertheless important to note that it involves the processing of mineral and *'adding value'* to that mineral for the RMC market and would ensure the exploitation of some 7,700 tonnes of known and available mineral reserves that lie beneath the proposed site (an area of land of approximately 0.1 hectare (as shown on **Plan 7** appended to this report)). Furthermore, exploitable mineral reserves are also known to exist and be available within the area of the extant mineral permission area under permission ref. no. [C1/78/412/MR](#), dated 5th April 2000¹, shown on **Plan 3** appended to this report, which is valid until 21st February 2042.
- 7.10 **Part 1** of **MWJP Policy D02** steers minerals proposals, including ancillary development and transport infrastructure, toward sites where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space with proposals expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable. The development, as proposed within the application under consideration, is one such instance and therefore one that is capable of satisfying this particular MWJP policy which is consistent with **NPPF Paragraph 209** as well as being aligned with the direction of travel of both **RLP-CS Core Policy CP1** and criterion (i) of **RLP-CS Core Policy CP7** in lending support to development that can be regarded as being sustainable. This would similarly satisfy the extant *'development plan'* policy of **RLP-CS Core Policy**

¹ n.b. under the provisions of permission ref. no. [C1/78/412/MR](#) dated 5th April 2000, any commencement of mineral working within the area delineated in yellow and annotated within [2/4/588](#) as shown on **Plan 8** appended to this report is prohibited until such time as the formal discharge of all relevant conditions. An application for the formal discharge of condition no.s 20 & 23 relating to noise and vibration respectively was recently approved on [4th November 2021](#) under ref. no. [NY/2021/0219/A27](#) and an application for the formal discharge of condition no.s 8, 10 & 32 which relate to the scheme of working and restoration, soil storage details and *'aftercare'* scheme respectively is currently under consideration. A further application (ref. no. [NY/2021/0165/FUL](#)) has been received seeking permission for the construction of a new access road to service the old mineral permission area. This too is currently under consideration.

CP3, in general, and **part 4** of that policy, in particular, which importantly, in principle, expects consideration to be given to the ‘*prior extraction*’ of any mineral resource. Notwithstanding the application site *per se* lying some 500 metres outside the boundary of a nearby proposed *Minerals Safeguarding Area* (as set out within the [Minerals and Waste Joint Plan](#)) rather than lying within such an area, the principle of ‘*prior extraction*’, nevertheless, remains both an important and a material consideration aligning with the general thrust of the *Joint Plan*.

- 7.11 The existence of the mineral deposit has been established not only as a consequence of mineral extracted incidental, and prior, to the construction of two agricultural buildings permitted by Richmondshire District Council in 2018, but also by the existence of the earlier referred extant mineral permissions in close proximity to the site of the proposed development.
- 7.12 Furthermore, compliance is also considered to be achieved by the proposal when additionally assessed against the spatial principles expressed within the local [Richmondshire Local Plan 2012-2028 Core Strategy](#); namely, ***RLP-CS Spatial Principle SP1 & the Lower Wensleydale Spatial Strategy*** which acknowledge moderate growth through sustainable development supporting and providing for the needs of the local community and sustaining the rural economy (to which the proposed development could contribute) and employment through ***RLP-CS Spatial Principle SP3, RLP-CS Spatial Principle SP5*** and parts and ***Part 1b) & e)*** of ***RLP-CS Core Policy CP8*** (to which, again, the proposed development could contribute). The proposed development at *Washfold Farm* has the capability to provide support, in the form of a supply of concrete to Leyburn and the economy of the surrounding rural area including the adjacent part of Richmondshire which lies within the *Yorkshire Dales National Park*, which at its closest lies within 5-6 kilometres of the application site. Furthermore, it would directly provide seven new jobs.
- 7.13 In considering the ‘*in principle*’ acceptability of the proposed development, due regard must also be had to the sustainable development elements within ***MWJP Policy D11*** which seeks to ensure that the design, construction and operation of minerals and waste development incorporates measures appropriate and proportionate to both the scale and the nature of the proposed development. In particular, it seeks the minimisation of greenhouse gas emissions (***Part 1 i)***); an aim achieved by the proposed development in seeking to be located at an optimum market distance to reduce the haulage miles as far as practicable. The use of renewable/low carbon energy (***Part 1 iii)***) and the reduction in the use of resources such as water (***Part 1 iv)***) are not only imperatives of the ‘*development plan*’, but also economic imperatives too, mutually self-reinforcing. ***Part 1 viii)***, seeking sustainable planting schemes with ecological benefits, is also achieved through the proposed landscaping and mounding.
- 7.14 The information accompanying the application is considered to be both adequate and satisfactory in order to determine the proposal’s acceptability ‘*in principle*’, but before bringing to a close the consideration of the acceptability of the development ‘*in principle*’, due regard must also be had to ***MWJP Policy I02*** relating to ancillary and secondary operations. This recognises the importance of ancillary and secondary operations and lends policy support, explaining the sustainability benefit that “*where ancillary infrastructure is located at the site of extraction, this can have the benefit of adding value before the raw material leaves the site and thus help reduce the overall volume of material transported*”.
- 7.15 On the point of sustainability, this is a matter that has arisen as an outcome of statutory publicity (i.e. the notices on site and in the press as well as neighbour notifications) to which this proposal has been subject. It is acknowledged that concerns have been raised by those in the community in relation to the scale of development that has already taken place at *Washfold Farm*. In addition to the developments referred to in

Section 2.0 above, over the past twenty years, the farm has expanded in a variety of ways including buildings for livestock, a milking parlour, creation of slurry lagoons to deal with livestock effluent and conversions for flats and a cottage for workers. While new developments inevitably bring about change in the locality; many of these will have been subject to the planning process under the jurisdiction of the District Council and opportunities for participation in the process will have presented themselves. While, of course, the built environment context of an application is considered to be material to its determination, the receipt of objections on the grounds of previously permitted developments, such as objections founded upon a perceived creation a large agricultural-industrial complex on the outskirts of Leyburn, are not. The context of the built environment in the vicinity of a proposal is a material consideration, but each case must be assessed and determined upon its own individual merits. It is important to note that those with whom the County Council has consulted for their expert advice has not given rise to similar concerns as those raised in objection by local residents.

- 7.16 The above identified [Minerals and Waste Joint Plan](#) policies of **M01, D01, D02, D11** and **I02** together with the local extant policies of **SP1, SP3, SP5, CP1, CP3, CP7** and **CP8**, of the [Richmondshire Local Plan 2012-2028 Core Strategy](#) also identified above, collectively lend support to the 'in principle' acceptability of the proposed development. The proposed development, as a result, is not considered to be in significant material conflict with the MWJP's spatial distribution-related / locational policies; nor is it rendered in significant material conflict with the general aims of the policies of **Chapter 17** ('Facilitating the sustainable use of minerals') within NPPF(2021) (particularly **Paragraph 209** and **Paragraph 211**).
- 7.17 Subject to the proposed development being capable of being implemented without unacceptable harm to interests of acknowledged importance, the principle of granting planning permission for this development is considered to be acceptable for the reasons thus far explained. However, the issue must be addressed as to whether there exist any other material considerations that are of such material significance as to find the development proposed in this particular instance unacceptable in land-use planning terms (i.e. indicating a view contrary to this 'in principle' acceptability of the proposed development) and this is discussed in the paragraphs that follow.

Assessment of the proposal against other policies and material considerations:

Highways matters: traffic & transport (including numbers of vehicles, routing & and road safety)

- 7.18 Those 'Development Plan' policies of most relevance to which regard must be had when considering the transport implications of the proposed development include **Part 1** of **MWJP Policy D03** which seeks to ensure there appropriate infrastructure capacity exists to accommodate traffic associated with proposed development and avoid giving rise to unacceptable impacts as well as any impacts being capable of being mitigated and **Part 1 (iii)** of **MWJP Policy I02** which seeks to avoid unacceptable increases in the overall amount of road transport; consistent with NPPF(2021) **Paragraph 104** and **Paragraph 111** and **Part 3)e)** of **Core Policy CP4** of the [Richmondshire Local Plan 2012-2028 Core Strategy](#).
- 7.19 As earlier referred, *Washfold Farm* is an established site with existing agricultural and commercial businesses and diversification into the supply of ready-mix concrete would lead to further HGV traffic on to the public highway. While the application refers to an access route to the north of the site (onto the *Redmire Road* (C34)) being proposed to be used as the primary route for both access and egress, it is understood that its construction commenced under the terms of the District Council's planning permission (ref. no. 19/00246/FULL) which was subsequently varied (ref. no. 20/00541/VAR) by the District Council on 7th May 2021 for a revised site access layout to enable the

creation of a flood attenuation area. The acceptability of the access to the proposed application site from the *Redmire Road* (C34) has thus already been established.

- 7.20 Section 3.0 of this report summarises the elements of the proposed development and explains the proposal envisages 44 daily vehicle movements (i.e. 22 in and 22 out per day) and a maximum of 54 daily vehicle movements (i.e. 27 in and 27 out per day). It is acknowledged that local residents as well as Leyburn Town Council have raised highway concerns. One resident considered that the development should only be granted once the access road was built and others expressed general concern about the impact on local roads, the increase of HGVs and potential impact on road safety through *Leyburn* including on *Moor Road* (which leads from *Whipperdale Bank* south-east into *Leyburn*). However, in respect of the individual comment about the access, the access construction has commenced and, insofar as more general comments, several of these responses were made on the basis of *Moor Road* being the main route from the site; whereas, the principal routing is proposed to be more distant from the town of *Leyburn* via the site entrance on the *Redmire Road* (C34). Furthermore, the Applicant has confirmed that HGV drivers would be ordered to follow instructions with regards travel direction.
- 7.21 It is noted that the Highway Authority, from whom expert opinion has been sought, has raised no objection to the proposed traffic movements on the basis that the proposed access for this development is that which is taken from the C34 '*Tank Road*' to the north of the site except for access for local deliveries. Indeed none of the recent planning permissions have placed a restriction on the volume of traffic leaving, nor has the Highway Authority indicated that the *Redmire Road* (C34) is approaching capacity and, on that basis, it is considered that the estimated traffic envisaged to be associated with this proposed development is acceptable in land use planning terms and the proposal is not considered to have any significant adverse impact on highway safety rendering it compliant with **Part 1 of MWJP Policy D03** and **Part 1 (iii) of MWJP Policy I02** as well as **part 3) e) of RLP-CS Core Policy CP4**.
- 7.22 Notwithstanding, in light of the representations received in connection with highways matters, it is considered in this instance, prudent to recommend the imposition of a planning condition which could serve to control the bringing into use until such time as it is confirmed that the access has been constructed in accord with the conditions of planning permission ref. no. 20/00541/VAR and, therefore, should planning permission be forthcoming, condition no. 3 in the schedule of conditions within Section 9.0 of this report is recommended for consideration by Members. As a consequence, subject to the proposed condition no. 3, the use of this access in connection with the development and the proposed transport links to move the concrete product to the market and receive the imports of sand, gravel, stone and cementitious material is considered to be acceptable and there is nothing to indicate that the development would have an unacceptable adverse impact on local roads or highway safety or give rise to severe residual cumulative impact.

Landscape and visual impact

- 7.23 Those '*Development Plan*' policies of most relevance to which regard must be had when considering the landscape and visual impacts of the proposed development include **Part 1) of MWJP Policy D06** which seeks to ensure against any unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures and **part a) of Core Policy CP4** and **Core Policy CP13** of the [Richmondshire Local Plan 2012-2028 Core Strategy](#); which similarly seek protections against landscape harm; consistent with NPPF(2021) **Paragraph 130**, **Paragraph 174** and **Paragraph 211(b)**.
- 7.24 The proposed development lies in excess of a kilometre from the built-up edge of *Leyburn* and approximately 1.3 kilometres from the village of *Bellerby*. With respect to

landscape impacts, prior extraction in connection with previous developments (e.g. the agricultural buildings) permitted by the District Council have already taken place at *Washfold Farm* and have sought to position those buildings less prominently in the landscape and the prior incidental extraction of limestone on the site before the commencement of the construction of the proposed development would similarly place the RMC plant at a lower level, such that the plant would lie below the ground level of the land to the west overall. The proposed landscaped mound to the north-west of the proposed development, as described in Section 3.0 above, and the landscape planting that was a requirement of permission ref. no. 18/00516/FUL (as shown on **Plan 3**), which is understood to have already been planted, would both serve to screen the proposed development such that any landscape impacts arising would be further mitigated.

- 7.25 In terms of visual impacts resulting from the proposed development, any views from *Whipperdale Bank* would largely be prevented by the undulating topography between that road and *Washfold Farm* where the application site is situated and views south and south-east from the *Redmire Road* (C34) toward the proposed site would also be prevented by similarly undulating topography. Potential views from a short (75 metre) length of road, approximately 400 metres north-west of the existing entrance to *Washfold Farm* off *Whipperdale Bank*, would be screened by the aforementioned recent planting. Any potential for views further afield from the east would be screened by the topography of the land and the landscape planting already undertaken in respect of permission ref. no. 18/00516/FUL to the east/north-east of the proposed development and is considered to be important to its potential visual impact mitigation. Moreover, any adverse effects upon visual amenity of the residential property to the north of the proposed development, *Moor Farm*, are mitigated by existing buildings and dry stone walls as well as being sought to be further mitigated by the proposed screening mound on land which separates the two and identified on **Plan 5** appended to this report.
- 7.26 Although representations have been received raising objection in respect of the proposed development referencing potential landscape and visual impacts of the proposal such as the perception of the creation of a quarry; visual impact from *Moor Road*; screening mound being insufficient and further landscaping required and a further diversification away from agricultural use creating a large agricultural-industrial complex on the outskirts of *Leyburn*, these have not been borne out within any of the comments received from experts with whom the County Planning Authority has sought views. It is acknowledged that the proposed development introduces plant, industrial in nature, within the local landscape. However, with appropriate mitigation measures proposed to assist in visually screening the development, including the 'sinking / lowering' of the ground levels upon which the development is proposed to be situated and the proposed development's limited scale (in terms of height, massing and footprint), the proposals are considered to be acceptable in land use planning terms.
- 7.27 Notwithstanding the absence of significant adverse landscape and visual effects arising from the proposed development, it is considered prudent to ensure the implementation and maintenance of the measures put forward by the applicant in mitigation and it is therefore recommended, should planning permission be forthcoming, that a planning condition be imposed upon any grant of permission being necessary to secure the maintenance of the landscaping shown on the applicant's submitted *Site Context Plan* drwg no. [WF/NY/19/106](#) dated 06/12/19 (see **Plan 3a** appended to this report) and this is recommended to be achieved via the proposed condition no. 2 as set out within Section 9.0 below. The landscape and visual impact of the development can also be further controlled by the imposition of recommended condition no. 11 below with regards the proposed screening mound.

- 7.28 Subject to the imposition of these conditions, as recommended, it is considered that the siting and scale of the proposed development are acceptable, as the limestone extraction enables the proposed RMC Plant to be constructed such that it is less prominent within the landscape in conjunction with the proposed landscaped mound such that the development would not have an unacceptable impact on the local environment and will therefore be compliant with **Part 1) of MWJP Policy D06** and **part a) of RLPCS-Core Policy CP4** in that there are safeguards against any significant adverse impact upon the character of the landscape or visual amenity; consistent with the landscape requirements of NPPF(2021) **Paragraph 130, Paragraph 174** and **Paragraph 211(b)**.

Local amenity (including hours of operation, noise, air quality (e.g. emissions and dust) vibration and external lighting

- 7.29 Those 'Development Plan' policies of most relevance to which regard must be had when considering the impacts of the proposed development upon local residential amenity include **part 1) of MWJP Policy D02** and **Part 3)e) of Core Policy CP4 , Core Policy CP8** and **Core Policy CP13** of the [Richmondshire Local Plan 2012-2028 Core Strategy](#); consistent with NPPF(2021) **Paragraph 174(e) & 211(c)**.
- 7.30 It is acknowledged that representations have been received raising objection in respect of the proposed development summarised as potential noise, vibration, dust and health risks; inadequacy of noise and vibration assessments; impact on the enjoyment of property; proximity to residential property and lack of a buffer zone.

Noise

- 7.31 The proposed hours of operation within the revised application details of December 2019 are summarised in Section 3.0 of this report. These were accompanied by a [Noise Impact Assessment](#) (NIA) produced by a consultant commissioned by the applicant.
- 7.32 The proposed hours along with the accompanying [Noise Impact Assessment](#) (NIA) have been assessed by the relevant expert, the District Council's Environmental Health Officer (EHO) with whom the County Planning Authority has consulted for their views on issues important to local residential amenity and, in this particular instance, the NIA has not been found wanting. Although the EHO referred to matters such as background noise levels relative to mid-day levels, it was acknowledged that the NIA had also assessed the potential internal impact within neighbouring property bedroom accommodation using *British Standard* criteria. The EHO considered that there could be some disturbance to nearby residential properties during the *construction phase* in terms of possible noise, dust and vibration, but expected that this would be short-term and capable of control by the imposition of suitable conditions to limit the development to being undertaken in accordance with the application details. The proposed routing of vehicles is such that it is not considered that there will be any significantly unacceptable adverse impacts arising from vehicular emissions on neighbouring properties or, indeed, on the residents nearer the town of *Leyburn* including those residing along *Moor Road*. It is material to the consideration of the application that the applicant has submitted a [Construction Environmental Management Plan](#) (dated December 2019) which sets out the site management and control measures in relation to noise and this has been noted by the EHO as being acceptable.

Dust

- 7.33 The ready mix concrete plant is proposed to be of modern design and would include a sprinkler system to control dust emissions. The aggregate receptor hoppers and the conveyors would be integrated into the structure such that they would be fully protected from wind whipping; thereby, minimising dust emissions. While there are residential properties nearby situated at *Moor Farm* and *Trap House*, the location of the proposed

RMC plant at a lower height AOD would aid the control of air disturbance arising from the prevailing wind; thereby, again, reducing the potential for emissions from the RMC plant's operation. Furthermore, the control of deliveries by tankers with appropriate valves and filters and the automatic system to prevent overfilling or pressurisation would also ensure control of the deliveries of cementitious powders and reduce the potential for any dust nuisance. As earlier referred in respect of the consideration of noise, the applicant has submitted a [Construction Environmental Management Plan](#) (dated December 2019) which similarly sets out the site management and control measures in relation to dust and this has been noted by the EHO as being acceptable.

Vibration

- 7.34 With regards to vibration, the applicant anticipates that the extraction of the incidental limestone in the location of the proposed RMC plant would only require two blasts. The EHO has not expressed the opinion that the information within the application was inadequate to assess the impact on amenity. Nevertheless, in the interests of local amenity, it is considered that restrictions in terms of the hours during which blasting could be permitted to take place would be prudent and, in this particular instance, also including the requirement for 48 hours notification of proposed blasts and a restriction to only the removal of material sufficient to undertake the proposed development. As earlier referred in respect of the consideration of noise and dust, the applicant has submitted a [Construction Environmental Management Plan](#) (dated December 2019) which similarly sets out the site management and control measures in relation to vibration and this has been noted by the EHO as being acceptable.
- 7.35 In summary and in terms of:
- noise, subject to control via the imposition of the recommended condition no.s 4 to 7;
 - dust, subject to control via the imposition of the recommended condition no. 4;
 - vibration, subject to control via the imposition of recommended condition no.s 4, 8 & 9
- in Section 9.0 below, it is considered that the development would be capable of being operated without any significant unacceptable adverse impact upon residential amenity rendering the proposed development to be considered to be compliant with **part 1) of Policy D02 and Part 3)e) of Core Policy CP4** of the [Richmondshire Local Plan 2012-2028 Core Strategy](#); aligning with the policy direction of NPPF(2021) **Paragraph 174(e) and 211(c)**.

External lighting

- 7.36 With regards to the potential impact of artificial lighting around the site for health, safety and security reasons, the applicant is agreeable to the location of this lighting being agreed prior to its installation and it is, therefore, a matter considered capable of being addressed through the imposition of a planning condition (namely no. 13 as set out within Section 9.0 of this report) in order to protect the amenity of local residents; thereby rendering the proposed development compliant with **Part 1) of MWJP Policy D02 and Part 3)e) of Core Policy CP4 and Core Policy CP13** of the [Richmondshire Local Plan 2012-2028 Core Strategy](#); aligning with the steer of NPPF(2021) **Paragraph 174(e) and Paragraph 185(c)**.

Flood risk, drainage and water quality

- 7.37 Those 'Development Plan' policies of most relevance to which regard must be had when considering the impacts of the proposed development upon flood risk, drainage and water quality include **MWJP Policy D09 and Part 3)d) of Core Policy CP4** of the [Richmondshire Local Plan 2012-2028 Core Strategy](#); consistent with NPPF(2021) **Paragraph 154**.
- 7.38 There are no surface watercourses in the vicinity of the proposed RMC plant site and the site is located within Flood Zone 1 i.e. at low risk of flooding. Furthermore, it is not located within any groundwater protection zones. It is not considered likely to contribute

to flood risk elsewhere. The assessment of the flood risk issues has included consideration of the proposed access which has been determined to be acceptable following the grant of permission ref. no. 19/00246/FULL for the new service road to *Washfold Farm* from the *Redmire Road* (C34). The construction of the access road includes provision for a *Flood Attenuation Area* to the west of the access. The District Council's decision to grant planning permission in respect of application ref. no. 20/00541/VAR is expected to expand the flood attenuation capability in the area of the access close to the *Redmire Road* (C34) road and enhance the management of flood water as is sought by *Bellerby Parish Council*. Furthermore, the Lead Local Flood Authority (LLFA) considers that the development would have little, to no, effect on the surrounding area. No objections have been raised by the Environment Agency that would indicate that there is any risk of non-compliance with **MWJP Policy D09**. Furthermore, it is considered that the development does not present any impacts on surface or groundwater resources, or on flooding as required by **Core Policy CP2** and **Core Policy CP4 part 3)d)** of the [Richmondshire Local Plan 2012-2028 Core Strategy](#).

Biodiversity, habitats, nature conservation and protected species

- 7.39 Those 'Development Plan' policies of most relevance to which regard must be had when considering the impacts of the proposed development upon biodiversity, habitats, nature conservation and protected species include **MWJP Policy D07 and part 3)b)** of **Core Policy CP4** and **Core Policy CP12** of the [Richmondshire Local Plan 2012-2028 Core Strategy](#), consistent with NPPF(2021) **Paragraph 174**.
- 7.40 Natural England has confirmed that it considers that the proposal would not have significant adverse impacts on *North Pennine Moors Special Area of Conservation* and *Special Protection Area* that is 99 metres from the site and that in terms of the *Habitats Regulations* 'a likely significant effect can be ruled out'. Moreover, although the application site lies within *Impact Risk Zones* specified for the *Lovely Seat - Stainton Moor SSSI*, Natural England has confirmed that the proposal would not damage or destroy the interest features for which the *Lovely Seat - Stainton Moor SSSI* was notified.
- 7.41 In taking into consideration Natural England's position and the recommendation of County Council's adviser on matters of ecology that the [Construction Environmental Management Plan](#) should be secured by planning condition, it is considered that, subject to recommended condition no.s 2 and 4, the proposed incidental extraction of the limestone in order to facilitate the lowering of the RMC plant development site within the landscape and the erection and use of the RMC plant itself will not have an unacceptable effect on the biodiversity and nature conservation interests of the ecological designated sites in the vicinity.
- 7.42 With regards to safeguarding against any potential unacceptable impacts of artificial / external lighting around the site upon biodiversity, habitats, nature conservation and protected species, lighting details would require to be approved prior to installation via the requirements of the proposed recommended condition no. 13 which would serve to reduce any impact on native species in the area as sought by NPPF(2021) **Paragraph 185**. The proposal is considered to be compliant with **MWJP Policy D07 and Part 3)b)** of **Core Policy CP4** in respect of biodiversity in that it will not lead to a loss of, or adverse impact on, or cause deterioration of important nature conservation sites such as the *Lovely Seat - Stainton Moor SSSI* to the north, or local water bodies or biodiversity in the area. Furthermore, it is also advisable that the attention of the applicant is directed to the *standing advice* provided by Natural England regarding protected species within an informative. Advice provided by the County Council's adviser on ecology has been taken into account in the recommendation within Section 9.0 of this report and particularly reflected in proposed condition no. 11; thereby contributing to the aims of **Core Policy CP4 part 3)b)** and **Core Policy CP12** of the

[Richmondshire Local Plan 2012-2028 Core Strategy](#) consistent with NPPF(2021) **Paragraph 174 e)** and **Paragraph 185**.

Economic impacts

- 7.43 The applicant has explained that the farm has previously adapted to economic change through appropriate rural diversification and anticipates the establishment of a ready mix concrete plant (along with attendant HGVs) would provide a further sustainable activity providing additional local employment opportunities within the Leyburn area, support to local businesses and providing the means to be able to contribute to economic growth through the provision of RMC to construction projects within the local area; consistent with the aims of **Core Policy CP3** and **CP8** of the [Richmondshire Local Plan 2012-2028 Core Strategy](#).

8.0 Conclusion

- 8.1 As referred earlier within this report, under the provisions of *Section 38(6)* of the *Planning and Compulsory Purchase Act 2004*, the starting position for the determination of this planning application must be the '*Development Plan*'. The decision must be made in accordance with the extant policies of that *Plan*, unless there are material considerations, including any impacts upon interests of acknowledged importance that would indicate that planning permission should not be forthcoming. The assessment of material considerations within the overall '*planning balance*' has been conveyed within Section 7.0 above.
- 8.2 There are a range of policies in the '*Development Plan*' to which due regard must be had, as well as a number of other material considerations. In considering the relationship of the proposal to the '*Development Plan*', Members are advised note that proposals should be judged against the '*Development Plan*', as a whole, rather than against individual policies in isolation and to acknowledge that it is not necessary for proposals to comply with all policies to be found compliant. Members are also advised of the need to bear in mind, as set out in Section 6.0, the relative weight to be attached to the policies in the '*Development Plan*' relevant to this proposal against that which is laid down within national planning policy.
- 8.3 Following the considerations set out in Section 7.0 above, it is considered that the proposal complies with the '*development plan*' in respect of the following:
1. [Minerals and Waste Joint Plan](#) (February 2022) Policies: *M01 (Broad geographical approach to supply of aggregates)*; *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)*; *D09 (Water environment)*; *D11 (Sustainable design, construction and operation of development)*; *I02 (Locations for ancillary minerals infrastructure)*; and,
 2. [Richmondshire Local Plan 2012-2028 Core Strategy](#) Policies: *SP1* regarding reflecting the location of Leyburn within Lower Wensleydale and supporting its rural hinterland and the needs of the adjacent part of Richmondshire which lies within the Yorkshire Dales National Park; *SP3* regarding supporting a sustainable rural economy whilst protecting and enhancing its environmental assets and character and *SP5* regarding small scale development to meet local employment needs; *CP1* in planning positively for the future, *CP2* regarding minimise surface water flood risk, *CP3* in respect of consideration of extraction of the mineral resource prior to development, *CP4* in not having an impact on important nature conservation sites such as the Lovely Seat - Stainton Moor SSSI to the north, or local water bodies or biodiversity in the area, *CP7* in respect of being a local development for local needs and *CP8* regarding expanding rural business and diversification of the agricultural economy, *CP12* by avoiding a detrimental impact of the significance of any natural or man-made assets and *CP13* in respect of limiting the impact of light pollution.

- 8.4 As described in Section 7.0 above, the proposed development would provide a facility to the Leyburn area and the local economy as a source of material that would facilitate the construction of new development growth anticipated in the local area within the *Richmondshire Local Plan 2012-2028 Core Strategy* such as that described within Section 7.0 regarding the *Lower Wensleydale Spatial Strategy*. There is though a planning balance to judge between the development's contribution to the economy and the following impacts. While the site is located in a rural area and would result in additional traffic and noise in the locality, taking account of all the material considerations, it is considered that, on balance, the benefits of providing a new ready-mix concrete facility within *Wensleydale* outweigh the negative aspects associated with the development. Amenity safeguards can be put in place via planning conditions to ensure that the intensity of any impacts, longevity and cumulative impact that the development would have on the amenities of local residents in the vicinity of the site, regarding hours of operation, noise or dust emission, visual impact and regarding traffic are effectively mitigated and controlled.

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 socioeconomic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they would 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 that 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. 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 interference with those rights, it is, on balance, in accordance with the law, necessary and in the public interest.

9.0 Recommendation

- 9.1 For the following reason(s):

- i) the proposal complies with [Minerals and Waste Joint Plan](#) Policies: M01 (*Broad geographical approach to supply of aggregates*); 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*); D09 (*Water environment*); D11 (*Sustainable design, construction and operation of development*); I02 (*Locations for ancillary minerals infrastructure and* [Richmondshire Local Plan 2012-2028 Core Strategy](#) Spatial Policies: SP1, SP3 and SP5 and the *Lower Wensleydale Spatial Strategy* and Core Policies: CP1, CP2, CP3 (part 1), CP4 (part 3), CP7, CP8 (part 3),

CP12 and CP13 as well as consistent with those paragraphs of the NPPF(2021) identified above.

- ii) the proposal does not conflict with the abovementioned policies as it is considered that the highway network is capable of handling the volume of traffic anticipated to be generated by the development; the visual impact of the proposed development can be mitigated through the design of the proposal and conditions; the environmental impacts of the proposed development can be mitigated by the measures in mitigation and the impact on any neighbouring residential properties can be similarly mitigated. Any adverse impacts are outweighed when considered against the provision of an additional facility for the production of ready-mix concrete within Wensleydale and there are no other material considerations indicating a refusal in the public interest; and,
- iii) the imposition of planning conditions will further limit the impact of the development on the environment, residential amenity and the transport 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 13 December 2019, and the following approved documents and drawings and the following conditions which at all times shall take precedence:

Ref.	Date	Title
-	December 2019	Supporting Statement
WF/NY/19/101 Rev A	06/12/2019	Location Plan
WF/NY/19/102 Rev A	06/12/2019	Site Layout Plan
WF/NY/19/103 Rev A	11/12/2019	Block Plan
WF/NY/19/104 Rev A	18/12/2019	Cross Sections and Elevations
WF/NY/19/105 Rev A	06/12/2019	Incidental Mineral Extraction Area
WF/NY/19/106	06/12/2019	Site Context Plan

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

3. There shall be no access or egress between the highway and the application site by any vehicles in connection with this development other than via the access shown on Drawing No. WF/NY/19/101 Rev A and the development shall not commence until that access is completed and confirmed to have been completed in strict accordance with the specification.

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

4. The development hereby approved shall be carried out in accordance with the December 2019 Supporting Statement Appendix D - Construction Environmental Management Plan, with the exception that during site operations the daily Monitoring Records shall be held for six months and made available to the County Planning Authority upon request within two working days.

Reason: To protect the amenity of the area, the environment and local residents from dust pollution.

5. There shall be no operation of plant hereby approved except between the following times:
 07:00-18:00 on Mondays – Fridays and
 07:00-13:00 on Saturdays
 and at no times on Sundays or Bank or Public Holidays.
Reason: *To protect the amenity of the area, the environment and local residents.*
6. Soil Stripping, overburden removal and mineral extraction shall occur only between:
 07:00-18:00 Monday to Friday, and
 08:00-15:00 on Saturdays.
Reason: *To protect the amenity of the area, the environment and local residents.*
7. No blasting shall be carried out on any part of the site except between the hours of 10:00 and 16:00 hours Monday to Friday inclusive and no blasting shall be carried out at any time on Saturdays, Sundays, Bank and Public Holidays.
Reason: *To protect the amenity of the area, the environment and local residents.*
8. The County Planning Authority shall be notified at least 48 hours before blasting takes place of proposed timings for blasting in connection with this development.
Reason: *In the interests of amenity.*
9. No rock or aggregate shall be excavated outside of the Incidental Mineral Extraction Area as shown on Drawing WF/NY/19/105 Rev A dated 6 December 2019 and no excavation shall take place below 260 metres Above Ordnance Datum as shown on Drawing WF/NY/19/104 Rev A dated 11 December 2019.
Reason: *To ensure that the development is carried out in accordance with the application details.*
10. No imported material, other than those in connection with the ready-mixed concrete plant, shall be stockpiled, processed or used for any other purpose within, or imported to the application site.
Reason: *To ensure that the development is carried out in accordance with the application details.*
11. The screening mound shall be formed within six months of the date of this permission in accordance with Drawing WF/NY/19/102 Rev A dated 6 December 2019 and sown as a calcareous grassland in accordance with the details set out in the Agent's email dated 24 January 2020 using seed of northern provenance. Thereafter, the mound shall be retained as built, and the sward managed so as to maintain the calcareous grassland interest. During the establishment period of the planting, arisings from the mowing of the developing sward should always be removed rather than spread over the plot.
Reason: *To ensure that the development is carried out in accordance with the application details, as amended, in the interests of amenity.*
12. All vehicles, plant and machinery shall be well maintained and fitted with effective noise attenuating equipment of a type appropriate to their specification and at all times measures shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant and machinery.
Reason: *To protect the amenity of the area, the environment and local residents.*
13. Within one month of the date of this permission, full details of all external lighting at the site, including lighting for site security purposes, shall be submitted to and approved in writing by the County Planning Authority. All lighting shall be installed thereafter as approved so as not to shine directly towards any dwelling and shall be maintained in accordance with the approved details and shall not be used beyond half an hour outside of any agreed operational hours.

Reason: To protect the amenity of the area, the environment and local residents from light pollution.

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

Reason: To ensure all employees are aware of the conditions of the planning permission.

Informatives

- Permitted Process: Activities of this type (concrete batching plants) are regulated as permitted activities under the Environmental Permitting (England and Wales) Regulations 2016 by Richmondshire District Council.
- Natural England Standing advice regarding protected species is obtainable by copying the following link into a search engine: www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species

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

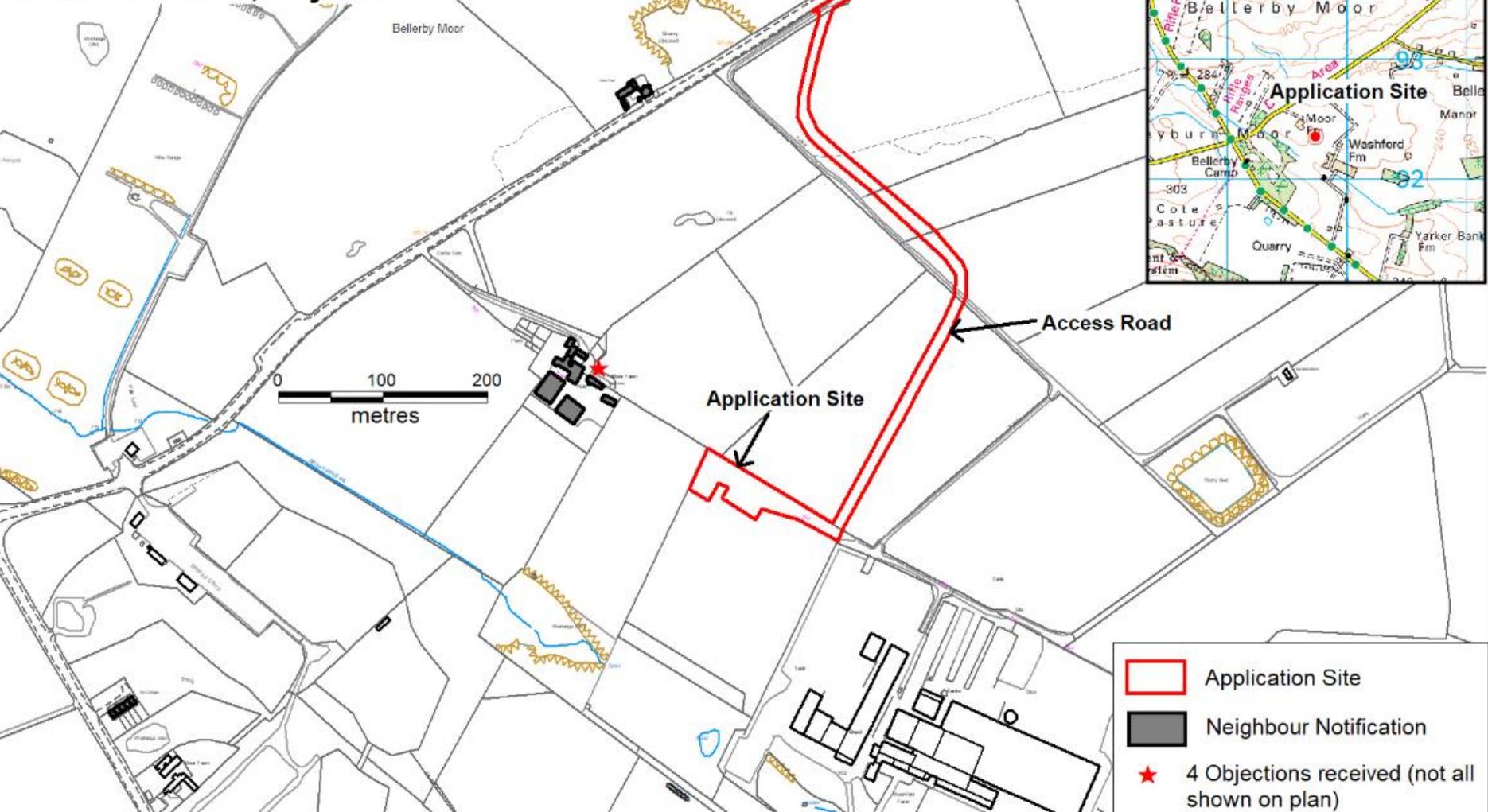
Corporate Director, Business and Environmental Services
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: C1/19/00899/CM (NY/2019/0168/FUL) registered as valid on 18 December 2019. Application documents can be found on the County Council's Online Planning Register [Displaying Planning record: NY/2019/0168/FUL \(northyorks.gov.uk\)](http://Displaying%20Planning%20record%3A%20NY%2F2019%2F0168%2FFUL%20(northyorks.gov.uk))
2. Consultation responses received.
3. Representations received.

Author of report: Vicky Perkin

Washfold Farm, Leyburn



-  Application Site
-  Neighbour Notification
-  4 Objections received (not all shown on plan)

Application No :C1/19/00899/CM

Title: erection of a ready mix concrete plant and associated aggregate storage at Washfold Farm, Leyburn, North Yorkshire, DL8 5JZ

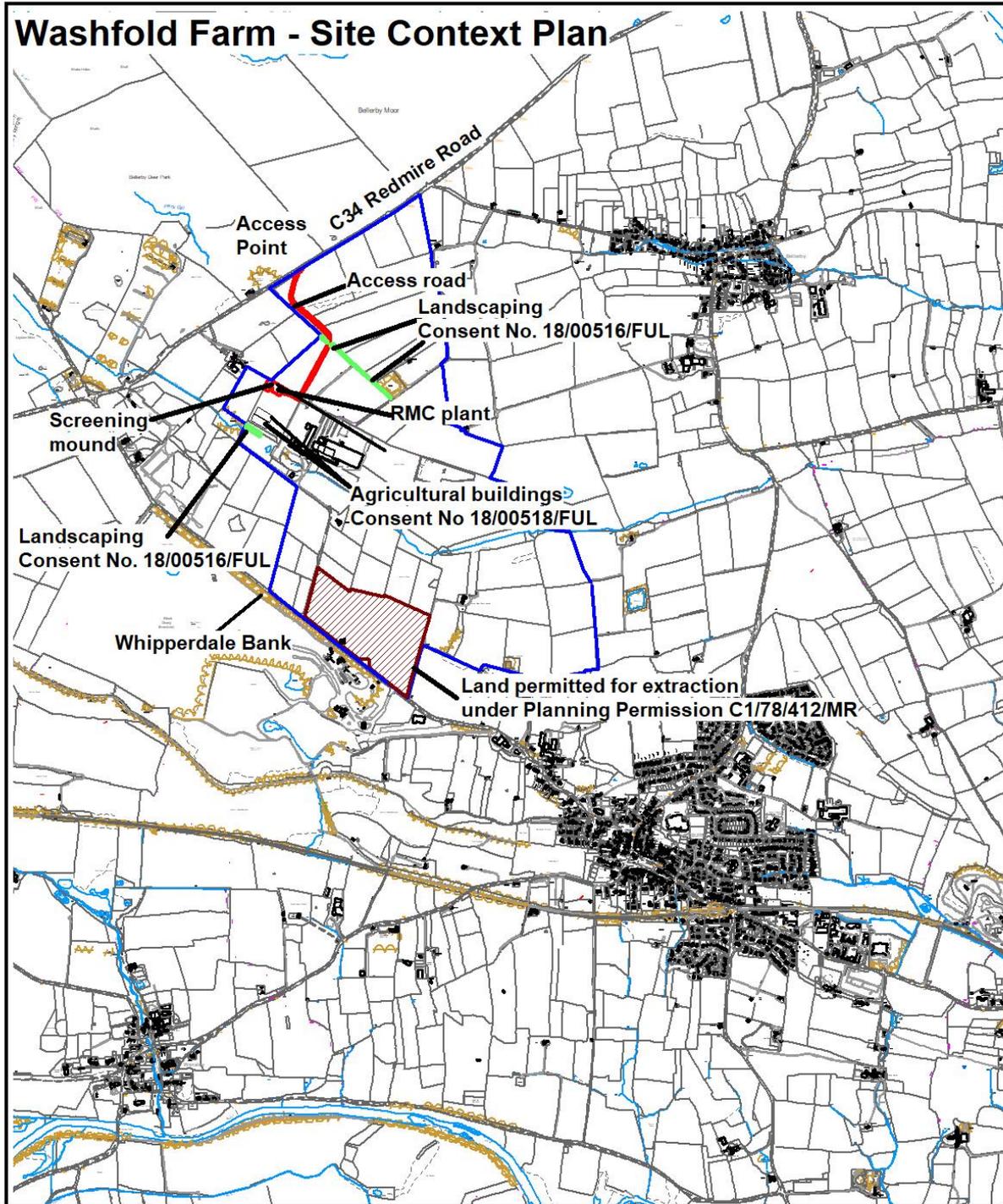


Business & Environmental Services,
North Yorkshire County Council
County Hall, Northallerton,
North Yorkshire. DL7 8AH

Scale : 1:5,000
Date : July 2020
Filename : Washfold Farm
Compilation & Analysis : RP/JB



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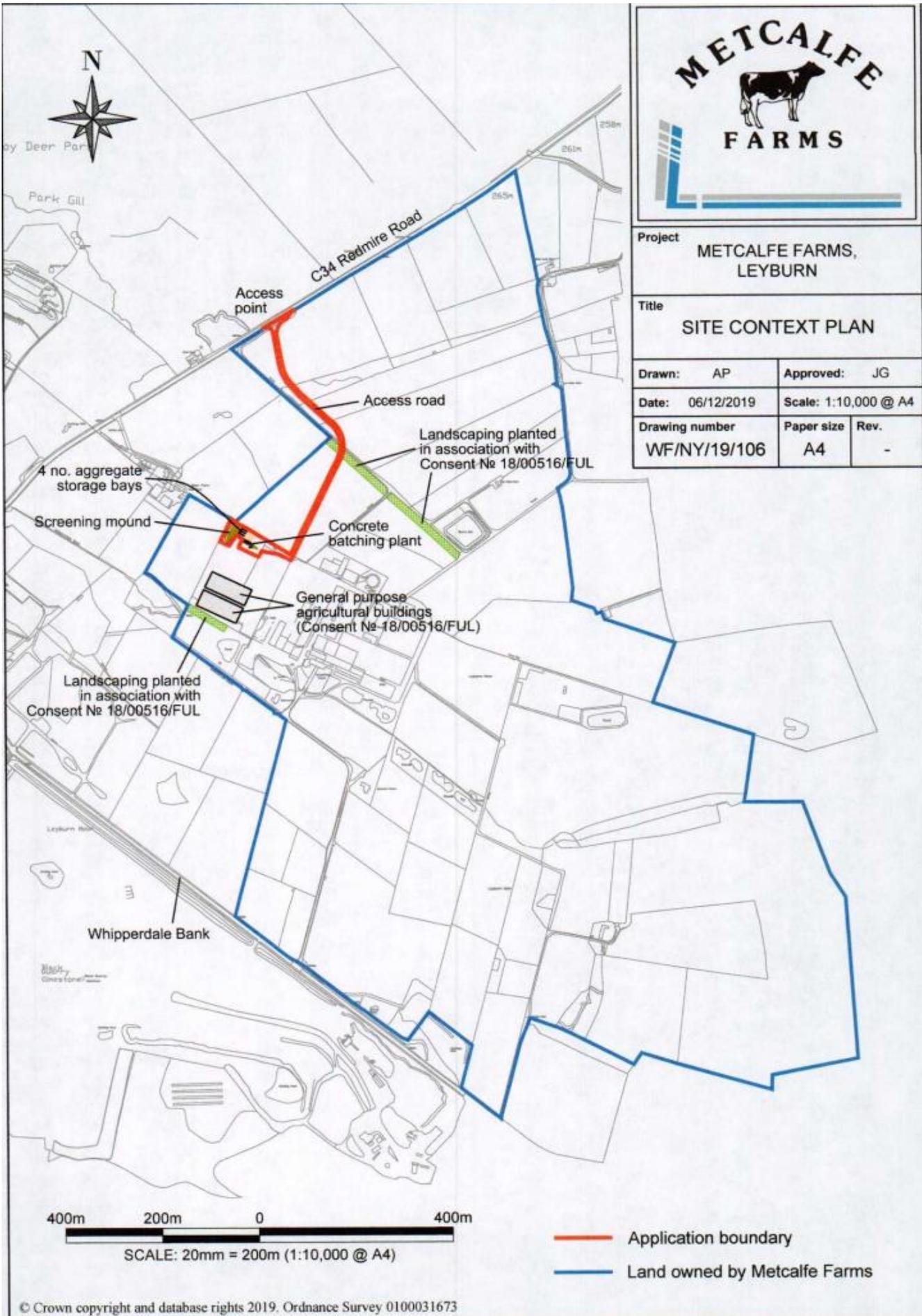
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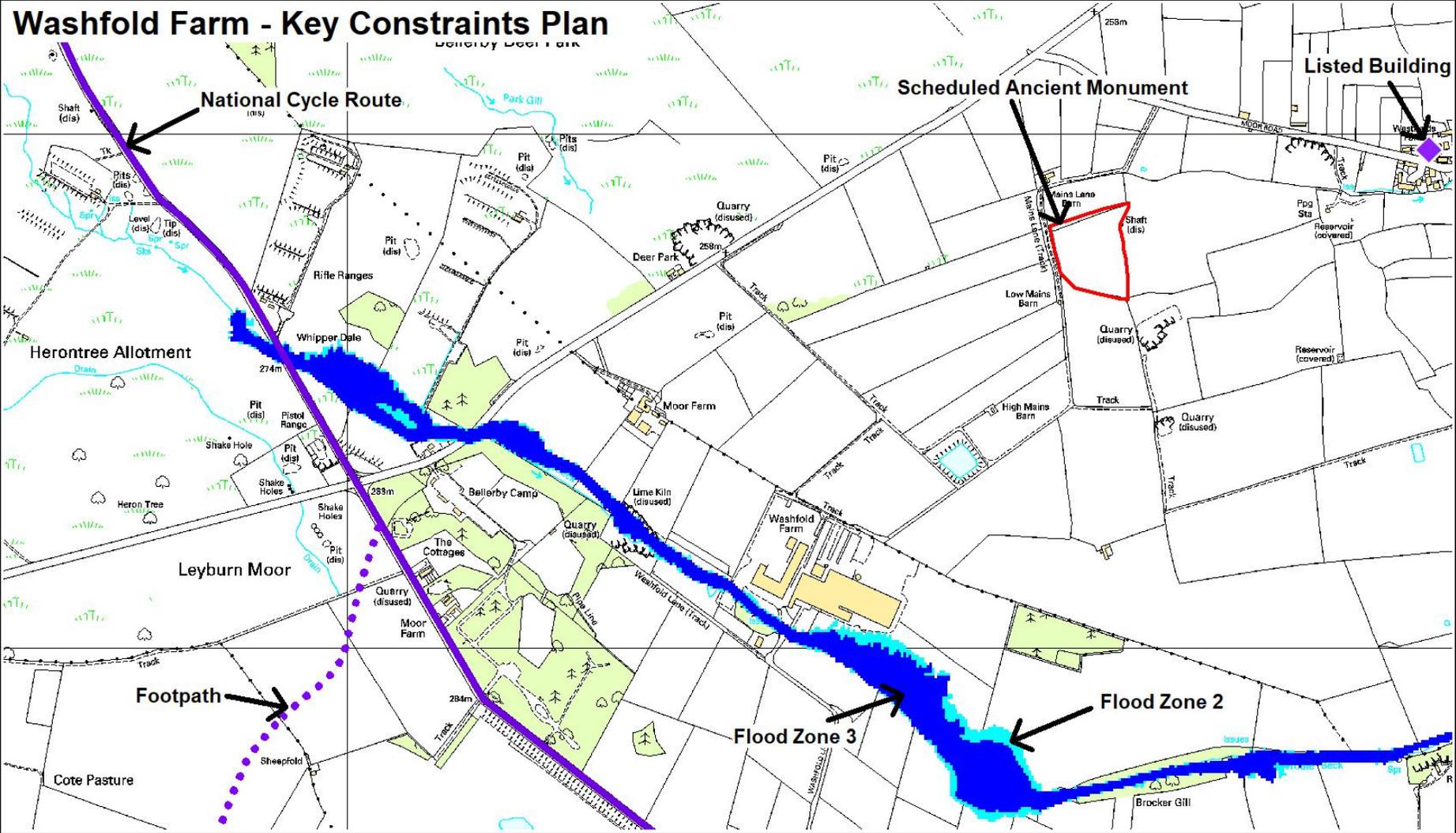
Title: Washfold Farm - Site Context Plan



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

Scale :
Date : July 2021
Filename : Washfold
Compilation & Analysis : RP/JB





Application No :C1/19/00899/CM

Title: erection of a ready mix concrete plant and associated aggregate storage at Washfold Farm, Leyburn, North Yorkshire, DL8 5JZ

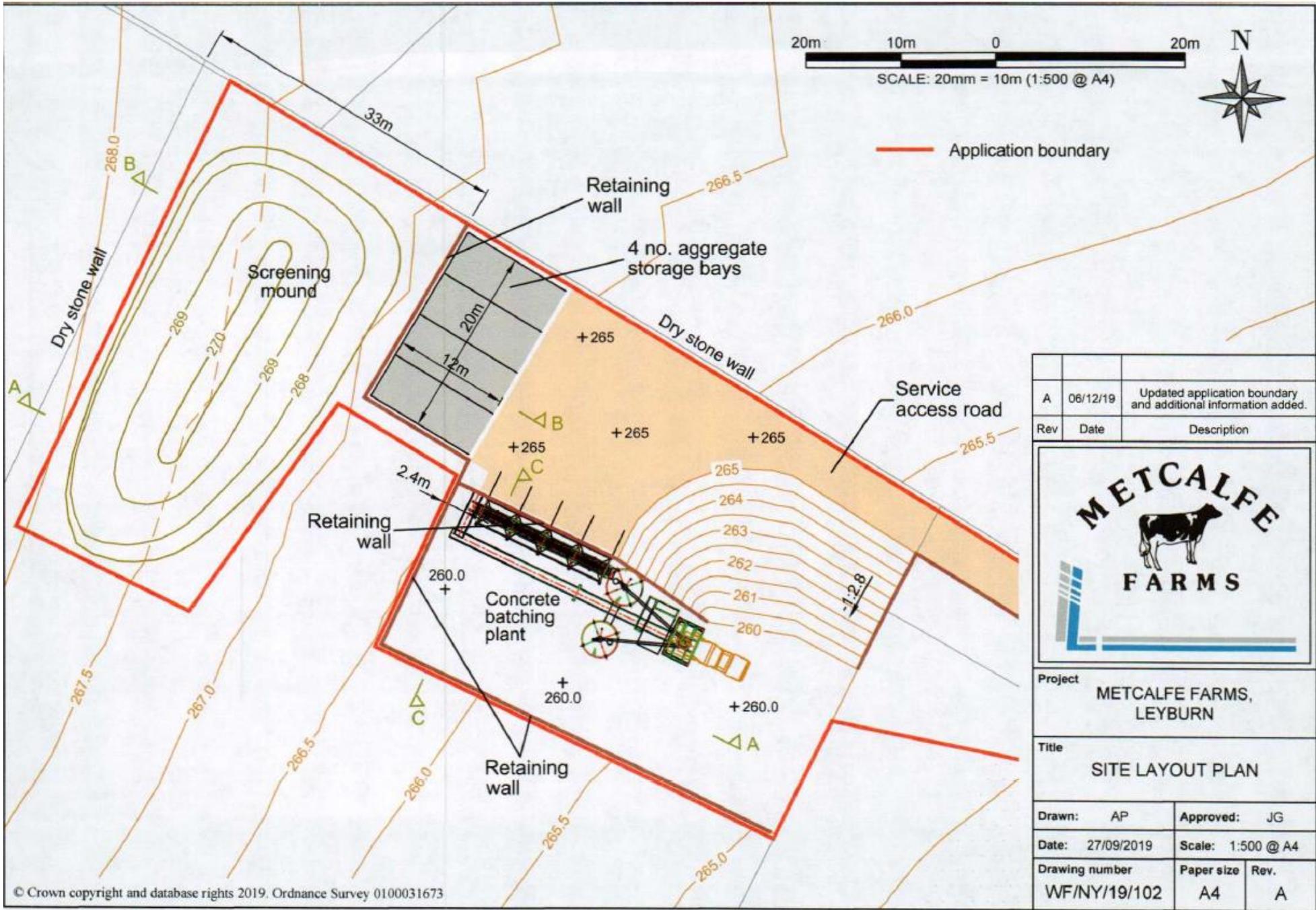


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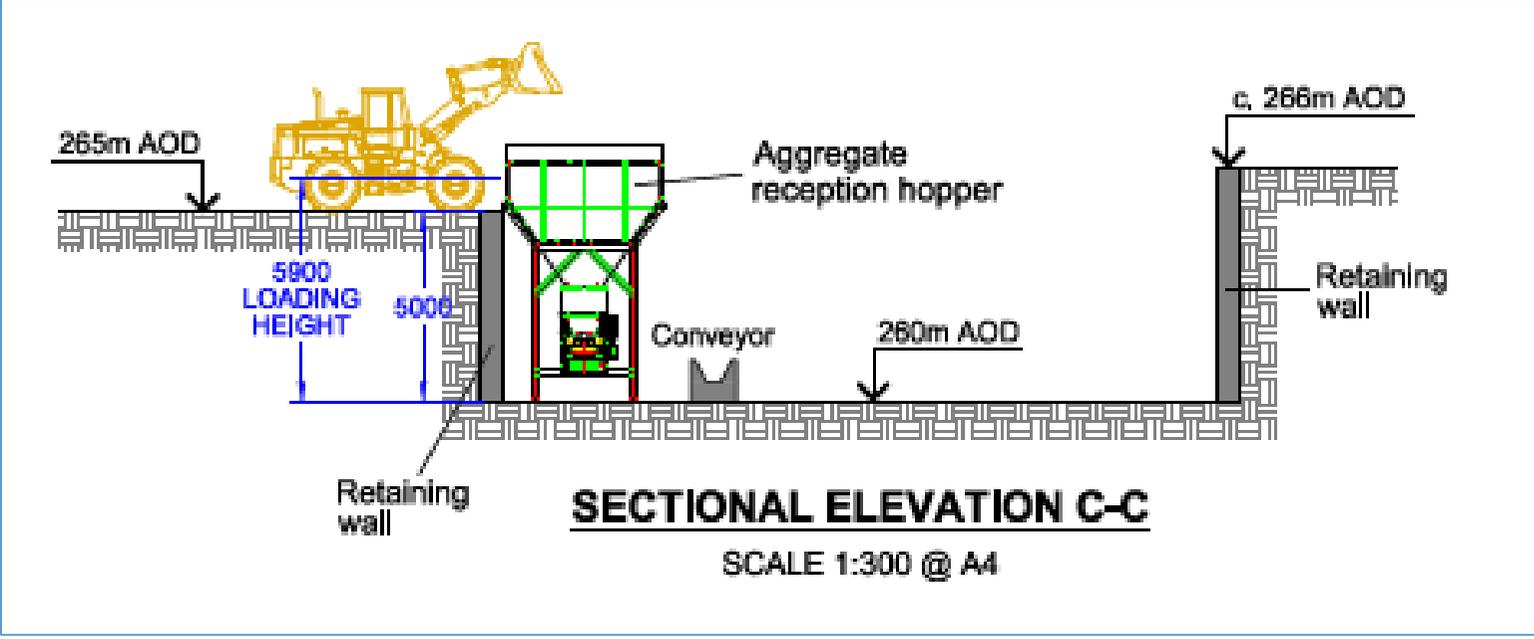
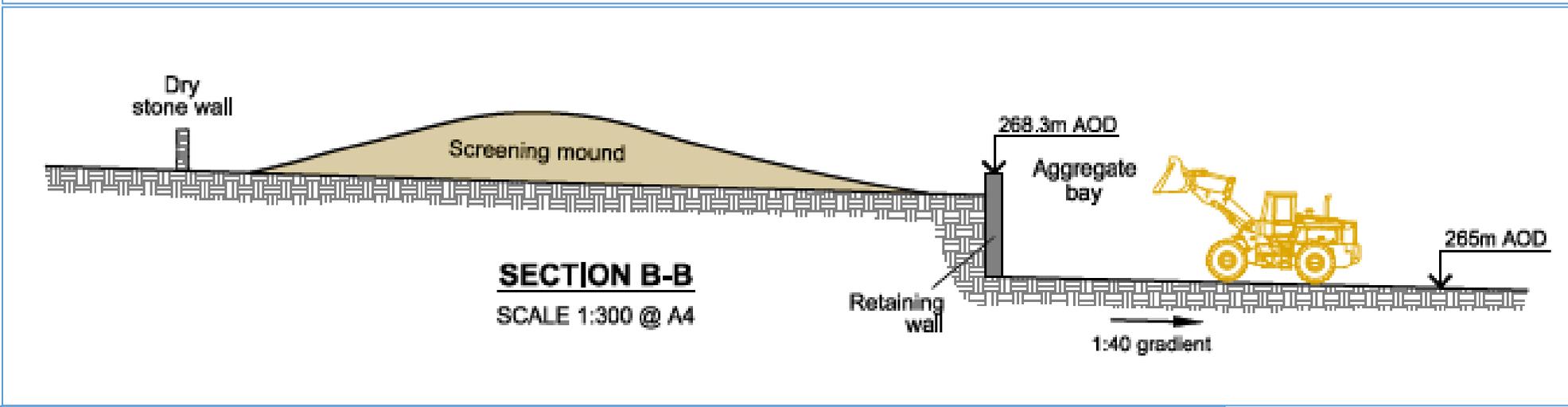
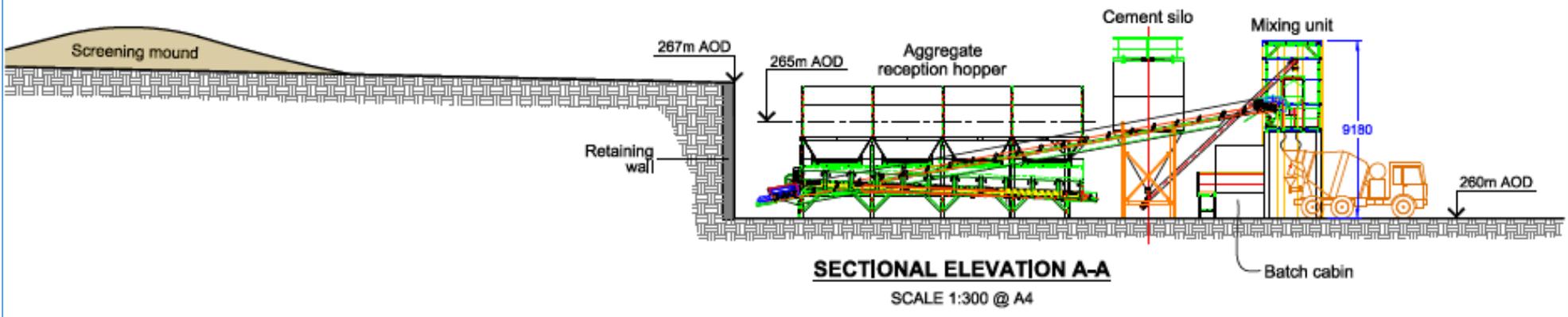
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Filename : Washfold Farm
Compilation & Analysis : RP/JB

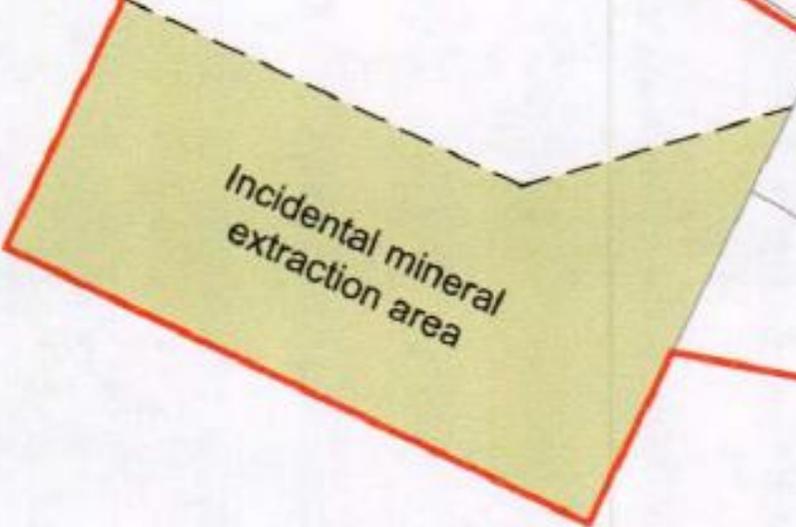
PLAN 5
Site
Layout
Plan

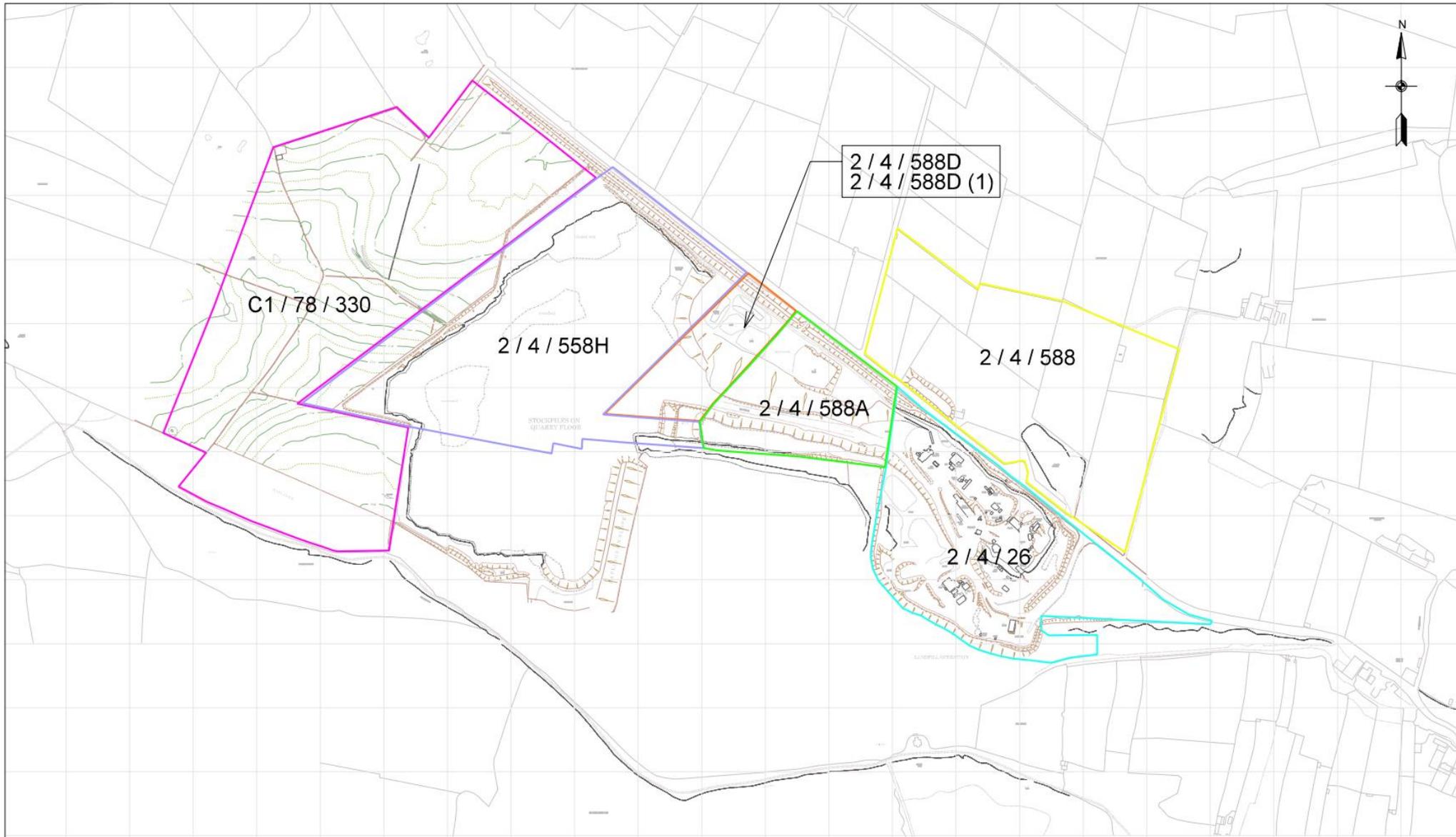


PLAN 6
Cross-
sections
&
elevations



**PLAN 7
Incidental
Mineral
Extraction
Area**





NPPF(2021) references:**Paragraph 11**

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**

Paragraph 48

Local planning authorities may give weight to relevant policies in plans according to:

- a) the stage of preparation of the 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 plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

Paragraph 104

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.*

Paragraph 111

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.

Paragraph 130

Planning policies and decisions should ensure that developments:

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

Paragraph 154

New development should be planned for in ways that:

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design...*

Paragraph 174

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) ...;*

- 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) ...;
- 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)

Paragraph 185

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

- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) *...; and*
- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

Paragraph 209

It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

Paragraph 211

When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

- a) *as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;*
- b) *ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;*
- c) *ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;*
- d) *...;*
- e) *provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;*
- f) *...; and*
- g) *....*

END