

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**8<sup>TH</sup> MARCH 2022**

**C1/18/00013/CM - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITION NO'S 2, 5 & 8 OF PLANNING PERMISSION REF. C1/15/250/PA/F DATED 7TH NOVEMBER 1994 TO FACILITATE AN EXTENSION TO THE PERMITTED AREA OF EXTRACTION, AN AMENDMENT TO THE RESTORATION DESIGN AND TO ALTER THE PERIOD FOR COMPLETION OF ALL MINERAL OPERATIONS FROM 31ST DECEMBER 2017 TO 31ST DECEMBER 2024 AND THE RESTORATION OF THE SITE FROM 31ST DECEMBER 2018 TO 31ST DECEMBER 2025 ON LAND AT PALLETT HILL QUARRY, CATTERICK VILLAGE, NORTH YORKSHIRE, DL10 7JX ON BEHALF OF CEMEX UK OPERATIONS (RICHMONDSHIRE DISTRICT) (CATTERICK BRIDGE ELECTORAL DIVISION)**

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

**1.0 Purpose of the report**

- 1.1 To determine a planning application for the variation of condition no's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7<sup>th</sup> November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for completion of all mineral operations from 31<sup>st</sup> December 2017 to 31<sup>st</sup> December 2024 and the restoration of the site from 31<sup>st</sup> December 2018 to 31<sup>st</sup> December 2025 on land at Pallett Hill Quarry, Catterick Village, North Yorkshire, DL10 7JX on behalf of Breedon Trading.
- 1.2 This application is subject to an objection having been raised by a local resident in respect of this proposal on the grounds of noise and is, therefore, reported to this Committee for determination.

**2.0 Background**

- 2.1 Pallet Hill Quarry is located 200 metres towards the north-west of Catterick village, where the nearest residential properties are located on the southern boundary of the plant site and on the northern boundary of the plant site is Catterick Racecourse. The total site area amounts to 61.85ha of which the plant site occupies 9.2ha and the extraction area 52.65ha. The proposed extension area is approximately 2ha. The plant site and extraction areas are divided by the A6136 as shown on the Committee Plan which is Appendix A attached to this report. The red line boundary of the site would not be extended by this application and would stay the same as previously approved, the further area of extraction would be within the bridge farm extension area north of the A6136 and this is shown on Appendix C attached to this report which is the bridge farm site area.
- 2.2 The site is used for the extraction of sand and gravel and is split over two sides of the A6136 (Leeming Lane) road. On the southern side of the site there is the plant area and associated development in relation to this, including a wheel wash facility. This side of the site also has a concrete and bagging plant which is currently not operational. North of the road located 350 metres north-west of the entrance to southern entrance to Pallet Hill Quarry, on the adjacent side of Leeming Lane, is the

entrance to Bridge Farm, where the larger area of the site is located, along with the new area for extraction.

- 2.3 The extraction area on the north side is bounded to the north by the River Swale whilst the eastern boundary is formed by mature woodland planting, restored gravel workings and the River Swale, as shown on the Location Plan (Appendix B) attached to this report. The southern boundary is formed by a mature woodland screening belt, arable land and the suburban edge of Catterick. The west of the site is bounded by a mature woodland screening belt and the A6136. Appendix C shows the Bridge Farm extraction area with the restored pond area in the south and small further pond to the north.
- 2.4 The plant site is bounded by the Catterick racecourse to the north, the A6136 to the east, and mature woodland screen planting and residential housing to the south. To the west lies former mineral workings, now restored to grassland, agriculture and woodland. Further west lies the A1 motorway. North of the application site there is a waste operation including the operation a mobile crusher and mobile screen for the purpose of recycling and reclamation of land through landfill by disposal of construction, demolition and excavation waste, this partly screens the application site from the racecourse to the north.
- 2.5 Planning Permission was refused by the County Council in November 1993. However this was appealed by the applicant and upheld in November 1994. The development allowed the extraction of 4.9 million tonnes of sand and gravel at Bridge Farm until December 2017, with the restoration of the site to a lake and agriculture, and the retention of the existing plant and machinery at Pallett Hill Quarry.

#### Constraints

- 2.6 The relevant planning constraints to this application are that it is within the SSSI impact zone for the Swale Lakes. There are also multiple sites of nature conservation interest in the area which are of local to district level importance which include Bolton on Swale Lake SNCI, Catterick Gravel Pits (Complex) SNCI, How Hill Riverside SNCI, Pallet Hill SNCI and Scorton Quarry SNCI. The site is inside the Bedale and Upper Swale Internal Drainage Board Area and within the Environment Agency's Flood Zones 2 and 3 as is within the River Swale flood plain. The land within the application site is identified as agricultural land classification 3b and there is no 3a best and most versatile land.

#### Planning History

- 2.7 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- Planning permission was refused in November 1993 for the extraction of sand and gravel with restoration to a lake and agriculture and retention of the existing processing plant at Bridge Farm, Catterick (ref. C1/15/250/PA/F). The Applicant appealed this decision Ref. APP/D2700/A/93/231272) and in November 1994 the appeal was allowed.
  - C1/15/227B/PA/F, dated 2 October 1998, amended quarry access location and ghost island, Racecourse Road, Catterick. Granted and implemented.
  - C1/13/00295/CM, dated 11 February 2015, Use of land for the siting and operation of a mobile crusher and mobile screen for the purpose of recycling and reclamation of land through landfill by disposal of construction, demolition and excavation waste. Granted and implemented, however not currently in use.
  - NY/2016/0141/SCR, dated 19 September 2016, Request for a formal Screening Opinion for extension of sand and gravel extraction operations which was issued stating an Environmental Statement was required with the proposed further application. No scoping opinion was submitted before this proposal was received by the County Planning Authority.

- 2.8 A plan showing the application site is attached to this report and the details relating to this application can be viewed [online](#).

### 3.0 The Proposal

- 3.1 Planning permission is sought for the variation of condition no's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7<sup>th</sup> November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for completion of all mineral operations from 31<sup>st</sup> December 2017 to 31<sup>st</sup> December 2024 and the restoration of the site from 31<sup>st</sup> December 2018 to 31<sup>st</sup> December 2025 on land at Pallett Hill Quarry, Catterick Village, North Yorkshire on behalf of the Breeden Trading LTD.

#### Mineral Reserves

- 3.2 At the time of the submission of the planning application the remaining sand and gravel reserves within the quarry were calculated at approximately 0.475 million tonnes. The sand and gravel extracted from Pallett Hill Quarry is sold either directly from the stockpiles or from the bagging plant that operates next to the processing site. The applicant states that the permitted reserves were not fully extracted before the expiry of the permission because forecasted output from the quarry when the planning permission was originally granted exceeded actual output, primarily because of the drop in demand for quarry products during the recession. The new area of extraction is being applied for due to the location now being known to not have any archaeological interests. This is a change from the time when the application was originally determined.

#### Duration and Annual Output

- 3.3 The proposed development involves extending the life of the quarry to 31 December 2024 to allow the remaining mineral reserve and is giving an extra seven years to complete the extraction of existing permitted reserves on the site and the small further area of extra extraction. The agent has reiterated that the existing permitted reserves have now been extracted and this further area is now required to be extracted for extraction to continue on the site with mineral extraction until 31 December 2024.

#### Mineral Extraction and Phasing

- 3.4 Mineral extraction would continue to be completed in the same method as currently approved, with aggregate extracted and crushed in the north of the site and then transported underneath Leeming Lane via underground conveyor to the main processing plant. In the extraction areas there would be two excavators to extract the mineral and a single dump truck with approximately 35 loads a day transporting it to the primary crusher in the northern extension area. After this mineral has been transported underground it would be further crushed and screened before being stockpiled.
- 3.5 The application includes a small 3.35 hectare area of new extraction and would involve a release of a further 371,000 tonnes of mineral, as shown on Appendix D attached to this report. The additional area of extraction sits within the previous red line of the application site. Due to the further extraction there would be a loss of hedgerow planted in the 1990's within the site however there would be no other loss of vegetation, the loss of this hedgerow is mitigated with the restoration scheme for the site being updated to extend the lake and increase biodiversity in this area previously left as an agricultural field.
- 3.6 Before working ceases in the existing working area, advanced planting hedgerows and lake vegetation already in existence would be removed and a 10m metre gap would then be punched through the appropriate bund so heavy plant can reach the

upper area of the new extraction field. An excavator would strip the bund material east of the new extraction site next to the haul road and place this material north of the proposed extraction site. A pump is proposed to be placed in the corner of the field with further extraction to facilitate de-watering if required. Thereafter, the mineral would be worked via an excavator and loaded into dump trucks and taken to the existing primary crusher. Once a large enough area is opened up the remaining phases would be stripped and soils placed in their final resting place to ensure double handling is minimised, this would include the replacement of bunds on the haul road and on the western flank of the extraction site. Once the three main phases of extraction are complete the area east of the extraction will be taken out to then integrate the new extraction area with the existing lake, creating a final restoration profile and one landform, as shown on Appendix E as shown at the end of this report.

- 3.7 Furthermore, there is no land-filling proposed on the site. In addition, the output levels, working hours, site access and general infrastructure would remain unchanged. The application seeks to amend the date when quarrying is to cease and make minor amendments to the phasing, method and restoration.

#### Environmental Statement

- 3.8 The application is accompanied by an Environmental Statement that reports on the results of the EIA and assesses the significance of any potential impact of the proposed development in relation to the following: Flood Risk, Landscape and Visual Impact, Transport Assessment, Noise, Air Quality, Soils and Agriculture, Soils and Agriculture, Cultural Heritage and Ecology.

#### ES Chapter 6 Flood Risk

- 3.9 The application site lies within Flood Zones 2 and 3. The proposals and restoration would result in lower ground levels across the extraction area, with the land sloping towards the water body. The application does not propose any permanent land raising and all temporary soil bunds would be removed. There are also no proposals to increase impermeable surfaces within the site or to change the existing haul road. The application states no further flood prevention measures are proposed.

#### ES Chapter 7 Landscape and Visual Impact

- 3.10 The site is 61.85 hectares with 9.2 hectares for the plant site, 52.65 for the current extraction area and approximately 2 hectares for the proposed extension. The land within the red line area has two land uses arable farming and the existing quarry site. The site is within the River Swale floodplain with levels ranging from 48AOD and 60AOD, with the land gently rising towards the A1, where it rises to 70-100AOD. The site and area is well vegetated particularly to the east with primarily woodland planting associated with former and current minerals workings. This greatly reduces the visibility of quarrying operations. Arable fields are contained by hedgerows. The plant site is well screened from mature woodland to the south.
- 3.11 The closest residential receptors are located approximately 100 metres from the processing plant, ready mix concrete plant and site access are Bishops Close and St Paulinus Crescent. The closest to the minerals extraction area are 175 metres south of the boundary to the permitted working area on Willow View and 280 metres to the south east of the proposed extraction area. Field House is located to the north west of the mineral extraction area approximately 340 metres to the North West of the proposed extraction area. Grandstand cottage and properties off Willow View are not considered to have any adverse visual effects due to intervening vegetation. Field House may experience slight adverse effects which are temporary and short in duration with the movement along the boundary of the extension area, which would change to slight beneficial on restoration. Properties on St Paulinus Crescent and Bishops Close are located to the immediate south of the plant site and views in the winter months could potential be available of vehicle movements. The properties

would experience slight adverse effects during winter and in summer months mature woodland provides an effective screen with no views available. After restoration it is considered views are slight beneficial. It is considered that the previous mitigation measure including screen planting around the extraction area and south of the plant site have been successful in preventing views of the site, due to the short duration of the proposed time extension no further mitigation is proposed.

- 3.12 The Swale Lakes SSSI is 500 metres to the east of the site and comprises a shallow lake of 11 hectares, feeder streams and a pond 0.7 hectares. The ES states the local landscape is confined by the linear features of the A1, A6136 and the River Swale, with the river banks well vegetated with mature woodland blocks and screen planting. To the north, east and west are former minerals workings which are also screened due to vegetation. The ES states overall the landscape within the site is considered low sensitivity but due to the presence of cultural and historic features, such as the racecourse, a Grade 1 church and Grade II\* historic bridge and Grade II buildings and structures nearby is it medium sensitivity.
- 3.13 Table 7.6 Predicted Landscape Effects and Significance is split into receptors which would change through the application these are:
- Changes to Landform – during operations in the temporary and short/medium term there would be a reduction in elevation through mineral extraction and temporary soil stores which are considered to be of low adverse effect and slight adverse effect in terms of significance. In regards to the permanent restoration to open water and species rich grassland at a lower level elevation, with land to the north restored to similar ground levels to pre-extraction, with the removal of the internal bund. In regards to the magnitude of effect it would have a low beneficial effect and the significance of this would be slight beneficial.
  - Changes to the type and extent of vegetation cover – during operation no perimeter trees or hedgerows would be removed and a further hedgerow would be planted in the place of the bund, with negligible adverse effects and the effect would not be significant. In regards to restoration it would include a permanent increase in tree cover with proposed native woodland and hedgerow planting, with a slight beneficial effect.
  - Changes to other notable landscape features – during operation would not affect any notable landscape features with no change in regards to magnitude or significance of effect. The restoration of the site would include the permanent removal of the industrial processes on the site, with low beneficial magnitude of effect and slight beneficial effects.
  - Changes in land use – The extension would be contained within the existing site boundary and would extend the wetland and grassland areas. On the final restoration of the extraction and plant site there would be a change from semi industrial to nature conservation, agriculture and amenity/public access. With for both magnitude of effects being medium beneficial and the significance of the effect being moderately beneficial.
  - Effect on public rights of way and access – during operation the development would not impact public rights of way, the quarry entrance would be converted into a field entrance to use the nature conservation. Public access to the restored site is proposed. With medium beneficial effects.
  - Cultural associations – No direct impact on the Cataractonium scheduled monument adjacent to the plant site, listed buildings and structures in proximity to the site would be screened by buildings and vegetation. The restoration and

permanent removal of the plant site would improve the area. This would have a low beneficial magnitude and slight beneficial effects.

- Changes to the pattern, scale of the landscape – temporary medium-term changes to the pattern and scale of the agricultural landscape to one of minerals extraction and progressive restoration earthworks. The proposal would expand the mosaic of agriculture, open water and species rich neutral grassland, which would have negligible adverse impact with no significant effects.
- Changes to the overall character and qualities of the landscape – The character of the area is currently effected by the plant site infrastructure as an industrial feature detracting from the rural qualities of landscape, with a low adverse magnitude. With it being considered there not being a significant effect. In regards to the restoration there would be a permanent localised effect on the characteristics of the existing landscape character, with medium beneficial effects and moderately significant effects.

- 3.14 Overall the assessment of the magnitude of effects in regards to the establishment and operation is a low magnitude of effect and slight adverse significance of effects. In regards to the landscape effects of the restoration the magnitude of effects would be medium beneficial and the significance of effects moderately beneficial.

#### ES Chapter 8 Transport Assessment

- 3.15 The application confirms that there would be no changes to the volume, method and direction of traffic flows. The level of activity would typically generate 76 HGV vehicle movements during each weekday using the entrance to access Leeming Lane. The highways access arrangements and local highways network are suitable to accommodate the continued minerals extraction operation. The majority of HGV movements would before the A1(M) improvement works were via Leeming Lane, A6136 and travel north through Catterick bridge and join the A1(M) to the north of this area. The A1(M) improvement works are now complete and allows a more direct route to the A1(M) avoiding Catterick Bridge north and instead follows a shorter route south through south of the site through Catterick Village and along the A6316 to the new A1(M) junction. The proposal involves the continued use of the internal conveyor under the road which links the extraction site and plant site area. The existing hours of use are to be retained which stated in paragraph 3.17. The proposal includes other traffic management methods including sheeting of vehicles, damping of internal access roads to avoid dust, maintenance of surfaces and segregation of cars and HGV's.

#### ES Chapter 9 Noise

- 3.16 The four assessment locations at the site a 1 Willow View which is south of the extraction site, 2 St Paulinus Crescent south of the plant site, 3 Field House north west of the extraction site and 4 Bishops Close to the south of the plant site. The plan showing the locations of the noise assessments is Figure 9.1 of the ES in the Noise Appendices of the Environmental Statement. The predicted noise levels in the four locations would be 50, 52 and 47 and 54 which the ES states is considerably below the PPG Max limit of 70 LAeq,1h dB. In regards to extraction processing and restoration. There is a previous condition 22 limiting noise to 55 dB LAeq,1h at noise sensitive premises in the vicinity of the site. The predicted worst case noise levels for the site are 46, 46, 43 and 52, which the ES states do not exceed the background by more than 10dB(A) and are within the maximum limit. Further to this condition 23 requires fixed plant to not exceed 54 dB LAeq,1h and the noise assessment states the worst case fixed plant noise levels are 36, 42, 28 and 49, which the ES states demonstrates that these levels are within the maximum limit. To mitigate and control noise measures are recommended within the ES which include ensuring machinery is well maintained, avoid unnecessary horn usage, keep internal haul roads well

maintained, adhere to hours of operation, operations undertaken close to dwelling should be completed for short durations and starting plant and vehicles sequentially rather than all together. Further to this there would be a requirement for audible reversing warning systems on mobile plant and vehicles to be of a type to give minimum impact on persons.

- 3.17 The application proposes no changes to the hours of working that are permitted under the current permission ref 1/15/250/PA/F which are set out in condition 17 within the permission as follows: -  
*“No operations are hereby permitted, including the movement of plant and heavy goods vehicles, shall take place except between the hours of: -  
 07.00 to 18.00 Monday to Friday  
 07.00 to 13.00 Saturdays and  
 13.00 to 18.00 Saturdays (plant maintenance operations only)  
 No operations shall take place on Sundays, Bank or Public Holidays.”*

ES Chapter 10 Air Quality

- 3.18 The ES states the minerals extraction processes would not be amended and HGV movements would not increase through this application. The operations have the potential to generate dust emissions, the first element of these is in regards to soil stripping and top soil bund formation, it states these bunds should be seeded as soon as is practicable in order to prevent wind blow from this source. The soil stripping impact would be minimised by limiting drop heights when handling overburden to prevent dust generation, further to this a site speed limit of 15 mph would be implemented in the working area to minimise dust generation. In regards to minerals extraction and transportation the drop height from the excavator bucket to the dump truck would be minimised, material would be evenly loaded onto the dump truck, a speed limit of 15mph is implemented and a compacted grade haul route is also used, along with a water bowser to minimise dust. Mobile plant equipment is maintained regularly to minimise dust. In regards to the restoration of the site the previously stated measures all also relevant also with the restoration being completed progressively so as to reduce wind blow, with areas seeded as soon as practicable. In regards to the plant site the crushers and screens use water throughout the process to minimise dust and when the finished processed mineral is shielded from the prevailing wind. All HGV's leaving the site with aggregate are required to be sheeted and to pass through the wheel wash and a well maintained entrance also helps reduce dust, with a road sweeper to be deployed when necessary.
- 3.19 In regards to residential amenity the ES states Bishops Way and St Paulinus Crescent includes the closest properties to the processing plant, these properties are shielded from the site due to a belt of trees, winds from the north, north-east and north west would blow dust towards these properties. Willow View properties are the closest to the minerals extraction site with a separation distance of 175 to the site boundary and 280 metres at the proposed further minerals extraction area. Field House is 140 metres south west of current operational site area and 340 metres from the nearest extraction area. Bishops Way and St Paulinus Crescent are considered to have a Slight Adverse Effect through dust and Willow View and Field House are considered to have a Negligible Effect from dust. With the mitigation measure put in place the ES states the proposed development would ensure dust is minimised. In regards to the Swale Lakes SSSI 480 metres to the south east of the permitted development the ES considers the separation distances is over 250 metres which IAQM consider adverse dust effects uncommon, dust suppression techniques would also mitigate any impact on the SSSI.
- 3.20 The ES concludes that it is unlikely that any significant decrease in local air quality would occur due to the continued working of the site and proposed extension, with

any dust occurrence being limited and short in duration. While also being minimised by the implementation of dust control measures.

#### ES Chapter 11 Soils and Agriculture

- 3.21 The soils resources chapter states that an agricultural land classification survey of the site was undertaken in 1993 and it is considered after consultation with the Land Drainage Consultancy as to whether there have been any changes to the baseline since 1993. The 1993 survey established that the soils across the site were light textured and stony being typical of the Wick 1 soil association and occupied of moderate agricultural quality, or ALC subgrade 3b. A soil survey has been completed to validate the findings from the 1993 survey and confirmed that 100% of the land 2.1 hectare extension to the site is subgrade 3b. The site would not impact on any best and most versatile land (BMV) as ALC classified and it is considered the sensitivity of the site is low.
- 3.22 The potential impacts of the proposal is the loss of soils and a deterioration in soil physical, chemical or biological quality that might affect the re-use of soil when restoring the site. The proposal would include a permanent loss of 0.54 hectares of soils from agricultural production to accommodate the new lake and margins. There would be a temporary removal of 1.77 hectares of land from agricultural production while minerals extraction, soil storage and restoration takes place, which the significance of is considered in the ES to be a minor adverse impact on the land. To mitigate the loss of 0.54 hectares of agricultural land to the lake the extra topsoil and subsoil can be utilised to improve the quality of the of the reinstated agricultural soil profiles of the wider areas of the site. The site would provide restoration profiles of at least ALC subgrade 3b quality.
- 3.23 It is considered that handling of soils can lead to long term damage which can take 10 years to fully mitigate, of which it is considered the magnitude of the impact of the proposed development is medium. In terms of mitigation this can be done through soil management procedures and the requirement to only move soils under the driest practicable conditions and take account of prevailing weather. The optimum period being between mid-April and mid-October, ensuring that compaction is minimised. Wherever possible the double handling of soil should be avoided and progressive restoration should be implemented. In regards to soil storage, soil will be stripped to a maximum depth of 3 metres and stored in the designated storage areas shown on plan appendix 7.9, sub soil mounds would have a maximum depth of 5 metres. These storage mounds would be carefully placed to take into account hedges, fences, overhead power lines and the risk of flooding. Topsoil and subsoil would be stored separately and duration of time stored should be kept to a minimum. Topsoil mounds are required to be kept to under 3m in height and should have gradients which minimise the risk of slumping. If in situ for over 12 months they should be seeded to assist weed control and reduce soil erosion.

#### ES Chapter 12 Cultural Heritage

- 3.24 The nearest listed buildings to the site are the Catterick Bridge hotel is grade II listed, with modern extensions and is approximately 270m from the west of the proposal boundary, a further 5 listed structures are situated at Catterick Bridge including the bridge itself which is Grade II\* listed, the Church of St Anne is Grade I listed and is 300 metres to the south of the plant site within Catterick village. Catterick Village conservation area is approximately 250 south east of the application site centred around the Church of St Anne and the historic core of the village. The ES concludes that the proposal is well screened from all listed buildings and the Catterick Conservation Area due to the topography of the land, vegetation and other intervening development. Therefore the setting of these listed buildings would not be effected. The proposal is also not visible from the scheduled ancient monument in Catterick Village and the extensive scheduled monument centred on Catterick bridge

and the racecourse comprising of the buried remains of a roman military base and settlement are just to the north of the plant site, however the plant site has been operational here since the 1970's and the effects are considered to be neutral. After extraction is completed the restoration would improve the setting and the additional extraction would not impact the monument. A written scheme of investigation would be provided to NYCC for approval subject to a planning condition requiring its implementation.

#### ES Addendum Chapter Ecology

- 3.25 The original ES did not include a chapter on Ecology however it has since been provided and consulted upon. The ES outlines the Swale Lakes SSSI as a statutory designated site within the area, which is predominantly designated for its bird interest and is approximately 500 metres to the east of the site, with shallow water, vegetation, scrub and grassland. There is also 5 sites of nature conservation interest with the 2km search radius which are:
- Bolton on Swale Lake;
  - Catterick Gravel Pits (Complex) – adjacent to the Site;
  - How Hill Riverside – adjacent to the Site;
  - Pallet Hill;
  - Scorton Quarry.
- 3.26 In regards to protected species bat records are dominated by common and soprano pipistrelles, the nearest record is 200m to the west and most recent a brown long-eared bat roost which was found 1km to the north. No roosts were found on the site and no on-site structures were considered to have potential roost features. There has been no badger activity on site or in the surrounding area although suitable habitats were present on site, there is also no signs of brown hare or hedgehog. In regards to birds a barn owl could forage on occasion over parts of the site where unmanaged grassland may support a higher amount of small mammals. In regards to Great Crested Newts there surveys have been carried out with negative results.
- 3.27 The ES concludes that the proposed remaining activities would have a de minimus impact on surrounding habitats as will the progressive restoration of the site, stating there are no anticipated negative impacts on the SNCI's that border the site or the Swale SSSI which is 500m south. Further stating that the restoration of the site would benefit the ecological receptors identified with positive impacts on bats and birds due to increased habitat heterogeneity which would strengthen the swale corridor. Some mitigation is stated to be implemented which includes the removal of topsoil from the remaining extraction area to be cleared outside bird breeding season which is March to July inclusive and extraction works should continue in line with best practice guidance for avoidance of surface water and groundwater pollution. Other mitigation has been incorporated into the design of the restoration scheme with progressive restoration on site, with the restored habitats on site already providing good quality habitat.

#### Restoration and Aftercare Management

- 3.28 When compared to the existing approved restoration scheme, there would be the following differences:
- The tree planting/shelter belts have been reduced to reduce raptor refuge habitat;
  - The area of lowland meadow has been increased;
  - The area of open water has been increased to reflect the area of extension;
  - The area of reed bed has been increased.
- 3.29 There would remain an element of agriculture involved in the restoration proposals. The northern part of site is proposed to be restored to two large agricultural fields whilst there would be a passive grazing regime introduced to the rest of the site.

There would be an increase and diversification of vegetation and habitats on completion of the restoration. Although restoration would be carried out progressively, upon full completion of operations, the site would be subject to a five-year aftercare period in accordance with the existing condition no. 41 to ensure successful establishment of the restoration scheme. The existing plant site and extraction infrastructure would be removed upon final restoration.

- 3.30 The five-year aftercare management process would include annual aftercare meetings during September of each year with representatives from the Mineral Planning Authority, Operator and the Company's landscape architect. The annual review would manage and monitor the restoration undertaken and also plan the aftercare works required for the forthcoming year.
- 3.31 The plant site currently has a restoration scheme approved under the previous permission; however changes to the planning application have been necessary, as housing has been built on a previous access to the site within the red line boundary. A new access to the site was previously approved and the area to the north of the plant site has now been restored. However, screening which was required under this previous permission was never implemented north of the plant site. Part of the north west of the plant site is also now under a separate planning permission through a different operator (ref. C1/13/00295/CM, dated 11 February 2015) which has its own restoration requirements and would not be part of this application. Furthermore, the plant site of the existing operations has now grown to include land which is now outside the red line boundary of the original application and this land is proposed to be controlled via an updated S106 legal agreement as the land is under the same ownership as the rest of the site and controlled by the applicant.

Conditions to be amended

- 3.32 Listed below are the conditions which have been requested to be amended under this application by the agent. Condition 2 (Time Limits) of planning permission C1/15/250/PA/F currently reads:  
*'The Permission hereby granted authorises the extraction of sand and gravel and retention of processing plant only until 31 December 2017. All plant and buildings shall be removed from the site and the site shall be restored to agriculture and a condition suitable for water based nature conservation and angling purposes within 12 months of the completion of extraction or by 31 December 2018 whichever is the sooner.'*
- 3.33 It is proposed to amend Condition 2 to extend the time to complete the development in line with the details proposed to be approved under this application. The proposed condition is:  
*The permission hereby granted authorises the extraction of sand and gravel and retention of processing plant only until 31 December 2024. All plant and buildings must be removed from the site and the site must be restored to agriculture and a condition suitable for water based nature conservation and angling purposes within 12 months of the completion of extraction or by 31 December 2025 whichever is sooner.*

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

- 3.34 Condition 5 (Approved plans) of planning permission C1/15/250/PA/F currently reads:  
*'The development hereby permitted shall be carried out in the accordance with the application details and supporting information dated 17 February 1992 as amended by the Environmental Statement and accompanying information dated 5 February 1993 and in accordance with subsequent amendments set out in letters from RMC (UK) Ltd dated 11 August 1993, 20 August 1993 and 23 September 1993 and Plan*

Ref Nos P1/1413/1/1, P1/1413/2/1, P1/1413/3/1, P1/1413/4/1, P1/1413/5/1, P1/1413/6/1, P1/1413/7/1, P1/1413/8/1, P1/1413/9/1, P1/1413/10/1, P1/1413/11/1, P1/1413/12/1 or in accordance with such other details as may be subsequently approved in writing by the County Planning Authority.'

- 3.35 It is proposed to amend Condition 5 to allow development in accordance with the details should they be approved under this application. The proposed condition is: "The development hereby permitted must be carried out in accordance with the application details dated 12 December 2017 and the following approved documents and drawings:

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
Ref. P3/1034/1	Nov 2016	Location Context Plan
Ref. 2011_C048_PAL_002	Dec 2020	Location Plan
Ref. P3/1034/2	Nov 2017	Site Plan of Additional Extraction Area
Ref. P3/1034/3	Nov 2017	Detailed Site Plan of Excavation Area – Phase 1-4
Ref. P3/1034/3	Nov 2017	Detailed Site Plan of Excavation Area – Phase 3-4 Restoration
Ref. P1/1413/17	5.12.17	Detailed Restoration Sections
Ref. P3/1034/4	Oct 2017	Site Survey Plan
No Ref.	15.11.17	Appendix 6 – Biodiversity Action Plan
No Ref.	Dec 2017	Volume 2 – Environmental Statement and Technical Appendices
Ref. 001/01	16.12.16	Landscape Character and Designations
Ref. 1002-21282	Not dated	Quarry Site Access
Ref. R17.9827/1/JS	Not dated	Appendix 5 – Noise Appendices
Ref. R17.9828/1/DW Page 1	Not dated	Appendix 6 Air Quality Appendices
No Ref.	Not dated	Appendix 7 - Soil Appendices
Ref. 18-049 Rev 2	20.11.18	Preliminary Ecological Appraisal
No Ref.	Nov 2018	Ecology: Addendum Chapter
No Ref.	Oct 2019	Written Scheme of Investigation for Archaeological Monitoring
Ref. 67411 R1	3.2.2020	Hydrogeological Impact Assessment
No Ref.	4.9.21	200903 Ltr to NorthYorks - Pallethill
Ref. P1/1413/10/6	14.9.2020	Final Restoration Masterplan
No Ref.	15.9.2020	Outline Restoration Masterplan

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

- 3.36 Condition 8 (Method of Working) of planning permission C1/15/250/PA/F currently reads:  
*'The mineral extraction hereby permitted shall take place only in accordance with the phasing arrangements indicated on Plan No P1/143/6/1 unless otherwise agreed in writing by the County Planning Authority and no extraction operations shall take place in any phase until minerals within the immediately preceding phase have been worked out.'*
- 3.37 It is proposed to amend Condition 8 to allow the phasing to be amended to include the new extraction area proposed in this application. The proposed condition is:  
*"The mineral extraction hereby permitted must take place only in accordance with the phasing arrangements indicated on Plan No P3/1034/3 and no extraction operations*

*must take place in any phase until minerals within the immediately preceding phase have been worked out.*

*Reason: In the interests of amenity and to ensure the effective restoration of lands to agricultural use.”*

#### **4.0 Consultations**

- 4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 15 June 2018. A re-consultation took place on 25 September 2019 in regards to further information submitted by the applicant and a further re-consultation was sent on the 10 June 2021 which was in regards to an updated location plan and S106 plan. A further consultation was completed on 20 December 2021, which expired on 10 January 2022.
- 4.2 **Richmondshire District Council (Planning)** – No response received to date from any of the four consultations including the latest on the 20<sup>th</sup> December 2021.
- 4.3 **Environmental Health Officer (Richmondshire)** – A response was received on 29 January 2018 stating the assessment of air quality in chapter 10 of the ES shows that the proposal is not likely to cause an exceedances of the Air Quality Objectives. The dust assessment shows a slight adverse effect at Bishops Way and St Paulinus Crescent and a negligible effect at Willow View and Field House; further stating suitable measures in regards to a scheme of dust control are already controlled on the site through Condition 20 of the previous permission. In regards to noise the assessment in Chapter 9 of the ES show the proposed extension to the permitted area of extraction is capable of being operated in compliance with condition 22 and 23 of the previous permission, with the proposed operations not exceeding the background noise levels outline in current minerals planning practice guidance. Furthermore, the proposal would not increase the annual output from the site and would operate in accordance with the previous hours. They, therefore, have no objections to the proposal. A response was received on 21 September 2020 stating no further comments.
- 4.4 **Catterick Parish Council** – A response was received on 10 January 2018 stating no objections to the application. A further response was received on 6 October 2020 stating no objections to this application.
- 4.5 **Swale & Ure Drainage Board** – No response received to date to the consultations in 2018, 2019 and 2021.
- 4.6 **Historic England** – A response was received on 23 January 2018 stating the variation seeks to amend the permitted area of minerals extraction. This area was originally omitted from the extraction programme due to the potential for the existence of a Roman marching camp. However recent geophysical survey and archaeological evaluation did not identify any associated remains or features. There are two nationally important Scheduled Monuments within the 1km buffer zone, with numerous other nationally important, but undesignated, sites located within the landscape such as Roman roads. This is supported by what has been found through the recent A1 upgrade. Historic England state the extraction site continues a consented programme of works and, as such, is not a new intervention into the landscape. The application is supported by an Environmental Statement and Historic England agree with its assessment of harm and impact to the designated heritage assets outlined in the ES, but they do have concerns in regards to the archaeological mitigation as these are not thorough enough.

- 4.6.1 A further response was received on 14<sup>th</sup> October 2019 stating, since the original consultation, a written scheme of investigation has been submitted. However, this still lacks clarity and they state the suggested approach does not present a clear strategy. Historic England also state the omission of an archaeological sampling strategy is a matter of concern. Therefore, Historic England still have concerns on heritage grounds and recommend the WSI be re-written to reflect the needs of the particular site providing clarity on methods, techniques and approaches as at present does not meet the requirements of NPPF Paragraph 199. A further response was received on 4 November 2019 stating the amended supporting information consists of a redrafted WSI which addresses the concerns raised in the previous response. Therefore, Historic England have no objection to the application on heritage grounds. A further response was received on 23 September 2020 stating no further comments. A further response was received on 4<sup>th</sup> January 2022 stating no further comments.
- 4.7 **Yorkshire Wildlife Trust** – A response was received on 30 January 2018 stating they are happy to see a Biodiversity Action Plan. However, they state an ecology chapter in the ES is required and the application should not be determined until this has been considered. The consultee further states the application site is close to the Swale Lakes SSSI and therefore the restoration will be of benefit of not just at a site level, but also at a landscape level being very valuable to the wildlife in the area. The Trust further state it *“is pleased to see in the BAP that there is a suggestion that that Yorkshire Wildlife Trust should be involved with the advisory group involved with the restoration plan.”* A re-consult letter was sent on 25 September 2019 and no response has been received to date. A further response was received on 18<sup>th</sup> January 2022 stating no further comments in addition to those previously submitted.
- 4.8 **Highway Authority** – A response was received on 10 January 2018 stating no objections to the proposed development. A response was received on 1 October 2019 stating no objections to the proposed development. A response was received on 22<sup>nd</sup> December 2021 stating no objections to the proposed development.
- 4.9 **Highways England** – A response was received on 19 January 2018 stating no objections to the application. A further response was received on 15 October 2019 stating no objection to the proposal. A further response was received on 10<sup>th</sup> January 2022 stating no objections to the application and continuation of works until 2025.
- 4.10 **Natural England** – A response was received on 22 January 2018 stating no objection in regards to statutory nature conservation sites as the application, would not damage or destroy the interest features for which Swale Lakes SSSI. Natural England also have no objection in regards to the soils and agricultural land quality as the proposal would not lead to significant losses of best and most versatile (BMV) agricultural land. A further response was received on 17 September 2020 stating no further comments. A further response was received on 5 January 2022 stating no further comment on the re-consultation.
- 4.11 **Environment Agency York** – A response was received on January 2018 objecting to the application due to a lack of information in regards to groundwater. A response was received on 22 September 2020 objecting to the application due to risks to groundwater. The response also states a Hydrological Impact Assessment (HIA) has been submitted with the application. However, it does not assess the impact of water levels potentially being lowered in a lake at Catterick Racecourse by the proposed quarrying. Specifically, the updated assessment must state whether this would limit the licence holder’s ability to abstract water from the lake. A further response was submitted on 30 November 2020 stating no objections to the application as the HIA explains the potential impact on the Catterick Racecourse License holder would be dealt with through the abstraction licencing process; therefore stating a new abstraction permit or a variation would be required from the Environment Agency

which would demonstrate the mitigation is adequate. A further response was received on 19<sup>th</sup> January 2022 stating as the consultation was only amending the dates of the permission there were no further comments.

4.12 **NYCC Heritage - Ecology** – A response was received on 9<sup>th</sup> January 2018 requesting further information, stating an ecology chapter in the ES needs to be prepared before the application can be fully considered. A further response was received on 16<sup>th</sup> October 2019 stating adequate checks have been made demonstrating the absence of protected species with the mitigation measures requested to be conditioned. The updated consultation response states it would have been expected that this application would include a review of the restoration scheme for the quarry, especially in regards to a re-assessment of how the area for nature conservation can best contribute to the landscape. The response states there is a lack of coherency about the restoration's objectives and requires to be more clarity on the management arrangements for the site post restoration. A further response was received on 7<sup>th</sup> September 2020 requesting further clarification on statements within the report in regards to species of vegetation and seed mixtures. A further response was received on 21<sup>st</sup> September 2020 after further clarification was received from the agent in regards to the outline restoration and aftercare management plan stating further revision of the plan is not necessary, but the applicant should bear in mind repeated cutting for grassland establishment is beneficial and similar seed mixtures to be specified. A response was received on 20<sup>th</sup> December 2021 stating no concerns from an ecology point of view in regards to the amended information which was in regards to extending the dates of extraction and restoration.

4.13 **NYCC Heritage - Principal Landscape Architect** – A response was received on 19 April 2018 stating further information was required this included:

- An up-to date landscape survey and clarification on the condition of the existing landscape in and around the site, including restored / non-restored areas within the application areas of the plant and extraction sites (we have no record of completed phases of restoration or notification of this. We have no record of a detailed scheme of aftercare being submitted, as Condition 41 of C1/15/250/PA/F).
- Restoration details of the Plant Site; the plan referred to is L/1034/17/1 (we have a draft submission of this plan together with further draft submissions in relation to condition 14 of C1/15/227). This should take account of the access and current state of the plant site including screen planting (e.g. the screen planting on L/1034/17/1 shown to the NE side of the site seems to be mostly failed on site).
- There are significant changes to the level of information and detail between the approved scheme drawings and the current submitted restoration scheme shown on drawing P1/1413/10/2. Clarification is needed to explain the changes.
- Details of and reference to the S106 agreement dated 17/10/1994 (including the Maintenance Plan referred to in the S106 for the main east side extraction area. We have no record the MP being submitted).

4.13.1 A further response was received on 18 November 2019, stating further information is still required in regards to the phasing of the restoration, a revised restoration scheme for the existing plant site, protection measures for the existing woodland screening to the north of the site, a restoration scheme with clear afteruse objectives as set out in the S106 agreement along with a long term management plan.

4.13.2 A further response was received on 2<sup>nd</sup> October 2020 stating the Landscape Officer is generally satisfied with outline restoration and aftercare management plan, as well as the long term management plan for the wildlife area as a requirement of the S106 agreement. A further response was received on 27 November 2020 stating the updated S106 plan shows the correct area in regards to the nature conservation land.

A further response was received on 7 January 2022 stating the amended dates for extraction and restoration are unlikely to change the landscape and visual effects and has no further comments to add to those previously made.

- 4.14 **NYCC Heritage – Archaeology** – A response was received on 7 October 2019 stating the geophysical survey and trial trenching did not reveal any deposits of particular archaeological significance. The area is within a general area of archaeological sensitivity adjacent to the Roman town of Cataractonium and Roman marching camp. The response states discrete archaeological features would be present within the area. The developer has submitted a written scheme of investigation for an archaeological watching brief, which should be a sufficient level of field evaluation and has been used in other parts of the quarry. The response recommends a condition in regards to the proposal being in compliance with the written scheme of investigation. A response was received on 23 December 2021 stating no objections.
- 4.15 **NYCC Arboricultural Officer** – No response received to date to any of the four consultations in 2018, 2019 and 2021.

#### Notifications

- 4.16 **County Cllr. Carl Les** – Was notified on 5 January 2018 and re-notified 25 September 2019.

### **5.0 Advertisement and representations**

- 5.1 This application has been advertised by means of six Site Notices posted on 23 January 2018 (responses to which expired on 22 February 2018). The Site Notices were posted in the following locations: one at the site plant site entrance, one at the entrance to the Bridge Farm site area on Leeming Lane, another further north on Leeming Lane opposite the entrance to the racecourse, one on the road Bishops Way south of the application site and one on a lamppost on Willow View south of the application site. A Press Notice appeared in the Darlington and Stockton Times on 2 February 2018 (responses to which expired on 3 March 2018).
- 5.2 The proposal has been re-advertised by means of four Site Notices on 2 October 2019 (responses to which expired on 1 November 2019). The Site Notices were posted in the following locations: one at the site entrance, one at the Bridge Farm entrance and one in Bishops lane south of the application site. A Press Notice appeared in the Darlington and Stockton Times on 4 October 2019 (responses to which expired on 3 November 2019). Further site notices were posted on 14 June 2021 and expire on 13 July 2021. A further Press Notice appeared in the Darlington and Stockton Times on 18 June 2021 (responses to which expired on 17 July 2021).
- 5.3 Due to an update in regards to the dates for the proposed development to take place a further full re-consultation was completed. The proposal has been re-advertised by means of four Site Notices on 23 December 2021 (responses to which expired on 22 January 2022). The Site Notices were posted in the following locations: one at the site entrance, one at the Bridge Farm entrance and one in Bishops lane south of the application site. A Press Notice appeared in the Darlington and Stockton Times on 30 December 2021 (responses to which expired on 29 January 2022).
- 5.4 Neighbour Notification letters were sent on 23 February 2018 and the period in which to make representations expired on 23 March 2018. Re-consultation neighbour notification letters were sent on 25 September 2019 and the period in which to make representations expired on 24 October 2019. Further re-consultation neighbour notification letters were sent on 11 June 2021 and the period in which to make representations expired on 10 July 2021 further letters were sent out on 20

December 2021 and the period in which to make representations was until 19<sup>th</sup> January 2022. The following properties received a neighbour notification letter:

- 1-12, 14-38, 40, 42-47, 49, 51, 53, 55, 64, 66, 68 Bishops Lane, Catterick, Richmond;
- 1-9, 11, 15, 17, 19, 21 St Paulinus Crescent, Catterick, Richmond;
- Catterick Racecourse, Leeming Lane North Catterick Bridge, Richmond;
- Field House, Leeming Lane North, Catterick Bridge, Richmond;
- Grandstand Cottage, Leeming Lane North, Catterick Bridge, Richmond;
- Racecourse Lodge, Leeming Lane North, Catterick Bridge, Richmond; and,
- The Bridge House Hotel, Leeming Lane North, Catterick Bridge, Richmond.

- 5.5 One letter of representation has been received in 2017, this objection was reiterated in 2019 and again on the 28<sup>th</sup> January 2022 raising objections on the grounds of:
- Noise from the plant site while operational.

## 6.0 Planning policy and guidance

### The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the Development Plan consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils ‘saved’ under direction of the Secretary of State; and,
  - any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.
- 6.2 The *Development Plan* for the determination of this particular application comprises the following:
- The extant policies of the Richmondshire Local Plan (adopted 2014);
  - Minerals and Waste Joint Plan (MWJP) (adopted 16 February 2022).
- 6.3 Due to the age of the Richmondshire Local Plan policies, they are to be assessed against the more up to date National Planning Policy Framework 2021 (NPPF) to determine whether they are consistent with the NPPF and what weight should be attached to them.
- 6.4 Weight in the determination process may also be afforded to emerging local policies, depending on their progress through consultation and adoption. Policies are afforded an increasing amount of weight as the Plans progress through their stages to adoption. The NPPF (Paragraph 48) permits authorities to give weight to policies in emerging plans according to:
- *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
  - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);* and
  - *the degree of consistency of the relevant policies in the emerging plan to the policies [in the NPPF] (the closer the policies in the emerging plan to the policies [in the NPPF], the greater the weight that may be given).*

### Richmondshire Local Plan (2014)

- 6.5 The Richmondshire Local Plan (adopted 2014) has particular relevance in the determination of this application and the policies most relevant include:
- Policy SP3: Rural Sustainability;
  - Policy CP1, Planning Positively;

- Policy CP2, Responding to Climate Change;
  - Policy CP3, Achieving Sustainable Development;
  - Policy CP4, Supporting sites for Development;
  - Policy CP7, Promoting a Sustainable Economy;
  - Policy CP12, Conserving and Enhancing Environmental and Historic Assets;
  - Policy CP13, Promoting High Quality Design.
- 6.6 **Spatial Principle SP3** states “*Rural Sustainability Priority will be given to supporting the rural sustainability of the whole plan area, protecting and enhancing its environmental assets and character, and sustaining the social and economic fabric of its communities, by promoting:*
- *a sustainable rural economy;*
  - *social and economic regeneration;*
  - *conservation or improvement of the rural environment.”*
- 6.7 This policy is consistent with the NPPF in that it aligns with the objectives as referred within Chapter 6 Building a strong, competitive economy, specifically in regards paragraphs 84. Therefore significant weight can be given to this policy.
- 6.8 **Core Policy CP1** advises that a positive approach is required reflecting a presumption of sustainable development, working pro-actively with applicants to find solutions. Wherever possible development should improve economic, social and environmental conditions in the plan area. Further stating planning applications which accord to the local plan policies would be approved without delay unless material considerations indicate otherwise. Where there are no relevant policies the Council would grant permission unless material considerations indicate otherwise, taking into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole and secondly specific policies within the NPPF which state developments should be restricted.
- 6.9 This policy is consistent with paragraph 11 of the NPPF in that it aligns with the objectives as referred within Chapter 2 in regards to Achieving Sustainable Development. Therefore significant weight can be given.
- 6.10 **Core Policy CP3**, in part advises that support will be given for sustainable development. Support would be given for sustainable development which promotes the health, economic and social well-being, amenity and safety of the population. The policy also states support is given for promoting the quality of natural resources including water, air, land and biodiversity minimising the impacts of airborne pollution, with the protection of best and most versatile land. Development should also promote the natural drainage of surface water mitigating the effect of flash flooding of rivers, drains and draught and promotes the character and quality of local landscapes and the wider countryside. The use and development of land should be assessed against the community’s housing, economic and social requirements, with the sustainability and enhancement of the natural and built environment, minimisation of the energy consumption and need to travel also being key factors. Development which would significantly harm the natural and built environment or generate a significant adverse traffic impact without appropriate mitigation would not be permitted.
- 6.11 This policy is consistent with paragraphs 174, 180 and 184 of the NPPF in that it aligns with the objectives as referred within Chapter 15 Conserving & Enhancing the Natural Environment. Therefore full weight can be given to this policy.
- 6.12 **Core Policy CP4** Supporting Sites for Development states proposals must be of a appropriate scale and nature to secure the sustainability of a settlement from the hierarchy within Policies SP2 and SP3. Proposals should reflect and deliver an

effective response to climate change, develop the social and economic needs of the community and is proportionate to the settlement size. Point 2 states the location of any development proposal should be consistent with the Development Plan, and is required to be accessible and well related to existing facilities and within the capacity of existing infrastructure. Point 3 states the development should not impact adversely on the character of the settlement, important views, lead to the loss of or adverse impact on or cause deterioration of important nature conservation, be located in areas of flood risk or contribute to flood risk or cause significant adverse impact on amenity or highways safety.

- 6.13 This policy is consistent with paragraphs of the NPPF in that it aligns with the objectives as referred within paragraph 186 within Chapter 15 (Conserving and enhancing the natural environment). Therefore significant weight can be given to this policy.
- 6.14 **Core Policy CP7**, advises that “*support will be given to (those relevant):*  
*a. the development of employment activities that diversify the current offer in Richmondshire, and in particular those activities that will provide high quality jobs which can capitalise on and/or enhance the skills of the resident population; and*  
*b. development which promotes the sustainable growth of the key economic sectors within the area, particularly agriculture, food, military, retail, tourism, leisure and equine enterprises”.*
- 6.15 This policy is NPPF-consistent in that it aligns with the objectives as referred within paragraph 8 of the NPPF. Therefore significant weight can be given to this policy.
- 6.16 **Core Policy CP12**, in part advises that development would be supported where it conserves and enhances the significance of the plan areas natural and man-made assets. Further stating developments would not be supported where there is a detrimental impact upon the significance of a natural or man-made asset or is inconsistent with the principles of an assets proper management. In regards to environmental impacts where avoidance of adverse impacts is not possible, necessary mitigation must be provided to address the impacts, with compensatory measures when mitigation are not possible. The stated approach is specifically in regards to the landscape character, biodiversity and geodiversity of the plan area being maintained, enhanced and where appropriate restored to ensure a sustainable future. This approach is also in regards to green infrastructure which would be protected where appropriate, enhanced to provide a high quality, accessible, diverse and well-connected network of green spaces to meet the needs of the community and includes woodlands, grassland, wetland and open space.
- 6.17 This policy accords with paragraphs 174 and 197 of the NPPF. Paragraph 174 states that planning decisions should *contribute to and enhance the natural and local environment by a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;* and paragraph 197 states that in determining applications local planning authorities should take account of ‘*c) the desirability of new development making a positive contribution to the local character and distinctiveness.*’ Therefore substantial weight should be applied to this policy.
- 6.18 **Core Policy CP13**, in regards to ‘Promoting high quality design’, advises high quality design of landscaping is a priority in all developments and support would be given to proposals which would provide a visually attractive, functional, accessible and low maintenance, respect and enhance the local context and its special qualities, optimise the potential of the site, minimise the use of scarce resources and facilitate access to sustainable transport. This policy is NPPF-consistent in that it aligns with the objectives as referred within Chapter 12 Achieving well-designed places, paragraphs 130 a, b and c. Therefore significant weight can be given to this policy.

Minerals and Waste Joint Plan (2022)

- 6.19 The plan was adopted on the 16<sup>th</sup> February 2022 and is relevant to the determination of this application. The document is a joint local plan between North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority. As the Joint Plan has been, and continues to be, produced post-publication of the NPPF, there is no requirement to include herein NPPF-consistency statements in respect of the MWJP policies that follow below.

*Strategic policies for minerals*

- M01 Broad geographical approach to supply of aggregates;
- M02 Provision of sand and gravel;
- M03 Overall distribution of sand and gravel provision;
- M04 Landbanks for sand and gravel;
- M07 Meeting Concreting sand and gravel requirements;
- M10 Unallocated extensions to existing quarries.

*Development Management Policies*

- D01 Presumption in favour of sustainable minerals and waste development;
- D02 Local amenity and cumulative impacts;
- D03 Transport of minerals and waste and associated traffic impacts;
- D06 Landscape;
- D07 Biodiversity and geodiversity;
- D08 Historic Environment;
- D10 Reclamation and afteruse;
- D11 Sustainable design, construction and operation of development;
- D12 Protection of agricultural land and soils;

- 6.20 **MWJP Policy M01** - Broad geographical approach to supply of aggregates states *“the plan area outside the North York Moors National Park, the Areas of Outstanding Natural Beauty and the City of York will be the main focus for extraction of aggregate (sand and gravel)..”*
- 6.21 **MWJP Policy M02** - Provision of sand and gravel states provision for sand and gravel over the 15 year period would be 35.6 tonnes, with an annual rate of 2.44 million tonnes. There would be additional provision made through a 5 yearly review of the plan if necessary to maintain a landbank of at least 7 years for sand and gravel until 31 December 2030 and or to meet additional requirements identified through updates to the Local Aggregate Assessment.
- 6.22 **MWJP Policy M03** - Overall distribution of sand and gravel provision states the overall provision of sand and gravel will be allocated in the plan with:
- *“Concreting sand and gravel (Southwards distribution area): 50%*
  - *Concreting sand and gravel (Northwards distribution area): 45%*
  - *Building sand: 5% “*
- Further stating if this cannot be achieved in this ratio, provision shall be made across both areas in combination.*
- 6.23 **MWJP Policy M04** - Landbanks for sand and gravel states a landbank of at least 7 years for concreting sand and gravel and a landbank of at least 7 years to be maintained throughout the plan period for building sand to be maintained throughout

the plan period for each of the northern and southern distribution areas detailed in the Minerals Key Diagram.

- 6.24 **MWJP Policy M07** - Meeting concreting sand and gravel requirements states requirements for concreting sand and gravel would be met through existing permissions and through permission on allocated sites. The application site is not an allocated site within the Minerals and Waste Joint Plan and part 3 of these policies is in regards to permission granted outside allocated sites, preferred areas and areas of search. Stating development in these areas would contribute to maintenance of an adequate and steady supply of concreting sand and gravel that cannot be met through reserves on sites or areas identified within the plan. These proposals would also require to be consistent with the development management policies within the plan.
- 6.25 **MWJP Policy M10** - Unallocated extensions to existing quarries states when not on an allocated site within the Joint Plan a proposal would be permitted if the development would not compromise the overall delivery of the strategy for the sustainable supply and use of minerals, encouraging the use of alternatives to primary minerals and would be consistent with the development management policies.
- 6.26 **MWJP Policy D01** - Presumption of sustainable development. The policy states there is a presumption in favour of sustainable minerals development and that the authorities will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 6.27 **MWJP Policy D02** - Local amenity and cumulative impacts. The policy seeks to safeguard communities from any unacceptable impacts on the amenity of local communities and residents, businesses and users of the public rights of way network as a result of:
- *noise,*
  - *dust,*
  - *vibration,*
  - *odour,*
  - *emissions to air, land or water,*
  - *visual intrusion,*
  - *public health and safety,*
  - *disruption to the public rights of way network,*
  - *cumulative effects arising from one or more of the above at a single site and/or as a result of a number of sites operating in the locality.*

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

- 6.28 **MWJP Policy D03** - Transport of mineral and associated traffic impacts encourages the use of alternatives to road transport where practicable. It permits proposals where road transport is necessary, where there is capacity within the existing network for the level of traffic, and there would not be an unacceptable impact on local communities, businesses or other users of the network or any such impacts can be appropriately mitigated. It also requires suitable access and on-site parking and manoeuvring, and requires a transport assessment or green travel plan where significant levels of traffic are created.
- 6.29 **MWJP Policy D06** – Landscape: This policy states proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality

and/or character of the landscape, having taken into account any mitigation measures. The AONB and other nationally designated areas would have a very high level of protection with any unacceptable impact on landscape in these areas not being permitted. Where proposals may have an adverse effect on landscape, a high standard of design, mitigation and landscape enhancement should be provided.

- 6.30 **MWJP Policy D07 - Biodiversity and Geodiversity.** This policy permits proposals where it can be demonstrated, having taken into account mitigation measures, that there will be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites and features, Sites of Importance for Nature Conservation, Sites of Local Interest and Local Nature Reserves, local priority habitats, habitat networks and species, having taken into account any mitigation measures proposed. Further stating development would not be permitted that would result in an unacceptable impact to locally important sites and assets unless it can be demonstrated that the benefits clearly outweigh the nature conservation value or scientific interest and the proposed mitigation or compensatory measure are equivalent to the value of the site.
- 6.31 **MWJP Policy D08 - Historic Environment:** The policy aims to ensure that minerals development proposals will be permitted where they will conserve and where possible enhance those elements which contribute to the significance of the area's heritage assets including their setting. The policy further states proposal which would result in less than substantial harm to the significance of a heritage asset would be permitted only where this is outweighed by the public benefits of the proposal. Proposals, which would affect an archaeological site of less than national importance will be permitted where they also conserve that which contributes to its significance in line with the importance of the remains.
- 6.32 **MWJP Policy D09 - Water Environment** states minerals proposals would be permitted where it can be demonstrate no unacceptable impacts would arise in regards to surface and groundwater, taking into account any mitigation which is provided. Proposals where necessary should include measures to contribute to flood alleviation and other climate change mitigation, through use of sustainable drainage systems.
- 6.33 **MWJP Policy D10 - Reclamation and Aftercare** states: *“Part 1) Proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and, where appropriate to the scale and location of the development”*. The policy requires proposals to include community engagement, taken into account the context of the site and its environmental infrastructure, give rise to benefits to the area after restoration and aftercare, taken into account climate change, provided for progressive, phased restoration and provided a longer term implementation of management of the site. In addition to this the policy requires in Part 2 *that “proposals will be permitted which deliver a more targeted approach to minerals site restoration and afteruse by contributing towards objectives, appropriate to the nature, scale and location of the site”* stating where relevant in BMV land area prioritising the protection and enhancement of soils and long term potential to create further BMV land during restoration and requires the promotion of significant net gains for biodiversity and creating biodiversity benefits.
- 6.34 **MWJP Policy D11 - Sustainable design, construction and operation of development:** The policy aims to allow mineral developments where it has been demonstrated that measure appropriate and proportionate to the scale and nature of the development have been incorporated into its design, construction and operation in relation to a number of items including minimisation of greenhouse gases and the generation and utilisation of renewable or low carbon energy. A climate change assessment should be required, as appropriate showing how the proposals have taken into account of

impacts from climate change and include mitigation and adaptation measures where necessary.

- 6.35 **MWJP Policy D12 - Protection of agricultural land and soils:** The policy seeks to protect Best and Most Versatile agricultural land from unnecessary and irreversible loss. Aftercare to a high standard of agricultural restoration should be achieved and developments are required to demonstrate that all practicable steps will be taken to conserve and manage soil resources in a sustainable way.

Other Policy considerations:

National Planning Policy Framework (2021)

- 6.36 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The overriding theme of the NPPF is to apply a presumption in favour of sustainable development. For decision-making, this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development, in paragraph 8, as that being which fulfils the following three roles: an economic objective; a social objective or an environmental objective. When the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted without delay unless there are clear reasons for refusing the development proposal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole (paragraph 11).
- 6.37 Paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 6.38 NPPF Paragraphs 55 - 57 regarding 'planning conditions and obligations' requires local planning authorities to consider if development can be made acceptable by using conditions or planning obligations with planning obligations only used where it is not possible to address impacts through planning conditions. Planning conditions should be kept to a minimum and only imposed where they are met the test for condition and likewise planning obligations must only be sought where they meet all the tests for being necessary to make the development acceptable in planning terms; being directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 6.39 Chapter 9 (Promoting sustainable transport) requires (paragraph 104) potential impacts on transport networks to be considered from the earliest stages of development proposals (c), and 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 (d). Paragraph 110 requires safe and suitable access can be achieved (b), and any significant impacts from development on highway safety can be mitigated (c). Paragraph 111 states 'development should only be prevented or

refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.

- 6.40 **Paragraph 113** within Chapter 9 (Promoting sustainable transport) of the NPPF states developments with significant HGV movements would require a travel plan and a transport statement so that the likely impacts can be assessed.
- 6.41 **Paragraph 174** within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. These include protecting and enhancing valued landscapes including sites of biodiversity, recognising intrinsic character and beauty of the countryside, minimising impacts on and providing net gains for biodiversity, preventing new and existing development to contribute to unacceptable levels of soil, air, water or noise pollution or land instability.
- 6.42 **Paragraph 180** within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF states the principles including if there is significant harm to biodiversity which cannot be avoided, adequately mitigated or as a last resort compensated for planning permission should be refused. Development which is likely to have an impact on a SSSI should not normally be permitted, with the exception of where the benefits of the development in the location clearly outweighs the impact of the features itself or the broader impacts of SSSI.
- 6.43 Within **Paragraph 185** within Chapter 15 (*Conserving and enhancing the natural environment*) of the framework it states that *...decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
  - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
  - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*
- 6.44 **Paragraph 188** within Chapter 11 states “the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”. In this case, the quarry must operate in accordance with the permitting regime of the Environment Agency and the Health and Safety Executive regulations.
- 6.45 **Paragraph 194** within Chapter 16 (Conserving and enhancing the historic environment) of the NPPF requires local authorities in determining applications: should require applicants to describe the significance of heritage assets affected, including any contribution made by their setting with the detail proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 195 requires local planning authorities to assess the particular significance of any heritage asset that may be

affected by a proposal (including where it would affect the setting of a heritage asset) and take this into account when considering the impact on a heritage asset, to avoid or minimize any conflict between the heritage asset's conservation and any aspect of the proposal.

- 6.46 Paragraph 197 within Chapter 16 (Conserving and enhancing the historic environment' states that '*In determining applications, local planning authorities should take account of:*  
*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*  
*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*  
*c) the desirability of new development making a positive contribution to local character and distinctiveness.'*
- 6.47 Paragraph 199 states that '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 6.48 When considering potential impacts, **Paragraph 200** states that 'any harm to, or loss of, a designated heritage asset's significance (from alteration or destruction, or from development within its setting), should be clearly and convincingly justified'.
- 6.49 Paragraph 202 states that '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 6.50 Chapter 17 of the NPPF is about facilitating the sustainable use of minerals. **Paragraph 209** states 'it is essential there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found best use needs to be made of them to secure their long-term conservation'.
- 6.51 **Paragraph 211** of the NPPF is relevant to the proposed development, which states that "*great weight should be given to the benefits of minerals extraction*". Minerals extraction should as far as possible be provided outside AONB's and ensure no unacceptable adverse impact on the natural and historic environment or human health taking into account the cumulative impacts from sites in the locality. Unavoidable noise, dust and particle emissions including blasting vibrations are controlled or mitigated, establishing appropriate noise limits for extraction in proximity to noise sensitive properties. Minerals site should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through appropriate conditions.
- 6.52 **Paragraph 213** states that "*Minerals planning authorities should plan for a steady and adequate supply of aggregates*". This is to be completed through annual Local Aggregate Assessments, using landbanks as a principle indicator of the security of minerals supply and the additional provision required for new aggregate extraction, maintaining landbanks of at least 7 years for sand and gravel and ensuring that large landbanks bound up in very few sites do not stifle completion and calculating and maintaining separate landbanks for any aggregate.

National Planning Practice Guidance (PPG) (2014)

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

Air Quality

- 6.54 This section provides guiding principles on how planning can take account of the impact of development on air quality. It states *'Mitigation options where necessary will be locationally specific, will depend on the proposed development and should be proportionate to the likely impact. It is important therefore that local planning authorities work with applicants to consider appropriate mitigation so as to ensure the new development is appropriate for its location and unacceptable risks are prevented. Planning conditions and obligations can be used to secure mitigation'*.

Minerals

- 6.55 This provides planning guidance for mineral extraction and the application process and focuses on the environmental impacts such as noise, dust and quarry slope stability and the importance of high quality restoration and aftercare of mineral sites.

Natural Environment

- 6.56 This section explains key issues in implementing policy to protect biodiversity, including local requirements. It reiterates that *'the National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution'*.

Noise:

- 6.57 The PPG confirms the need for noise to be considered in taking decisions on proposed developments having regard to the effects of potential noise from new developments and on existing developments. The (Noise) PPG identifies how local planning authorities should determine the impact or effect of noise by considering the following:
- *'whether or not a significant adverse effect is occurring, or likely to occur'*;
  - *'whether or not an adverse effect is occurring, or likely to occur'*; and
  - *'whether or not a good standard of amenity can be achieved'*.
- 6.58 In addition to the above the (Noise) PPG also offers guidance on identifying *'whether the overall effect of noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed effect level for the given situation'*. The (Noise) PPG sets out the observed effect levels as being:
- *'significant observed effect level: this being the level of noise exposure above which significant adverse effects on health and quality of life occur'*;
  - *'lowest observed adverse effect level: this being the level of noise exposure above which adverse effects on health and quality of life can be detected'*; and
  - *'no observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected'*.

- 6.59 The Noise PPG guidance split the mitigation which can be put in place to reduce impact into four categories, these are engineering by reducing the generation of noise at the source, layout optimising the distance between the source and noise sensitive receptor, planning conditions obligations to restrict activities or specify

specific levels and finally mitigating the impact on areas like to be affected. A further part of the Noise PPG is in regards to the effect of noise on wildlife, in particular stating consideration needs to be given to the potential effects of noisy development on international, national and locally designated sites of importance for biodiversity.

## 7.0 Planning considerations

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In light of the abovementioned policies the main considerations in this instance are principle of the development, local amenity, landscape and visual impact, highways matters, cultural heritage and archaeology, ecology, soils, restoration and aftercare, planning conditions and section 106.

### Principle of the Development

- 7.2 This planning application made under Section 73 of the Town and Country Planning Act 1990 seeks consent for mineral extraction to continue until 31 December 2024 which is seven years longer than previously consented (until 31 December 2017) to allow the extraction of the remaining reserves (estimated at approximately 0.475 million tonnes as of 1 January 2017) and a small area of new extraction which would be approximately 371,000 tonnes of mineral. The applicant has confirmed that the permitted reserves were not fully extracted before the expiry of the permission on 31 December 2017 because forecasted output from the quarry when the planning permission was originally granted exceeded actual output, primarily because of the drop in demand for quarry products during the recent recession. This proposal would enable the quarry operator to progress sand and gravel extraction, whilst also ensuring the completion of the final restoration scheme for the whole site by 31 December 2025.
- 7.3 The acceptability of the extraction of sand and gravel from land at Pallet Hill Quarry has been established by a number of historical planning permissions and most recently by the grant of planning permissions in C1/15/250/PA/F dated 7<sup>th</sup> November 1994. Therefore, the principle of minerals extraction has been previously established and is therefore material to the consideration of this application that the permission for mineral extraction and processing operations at the application site has been implemented. The proposed minerals extension would benefit from the presence of existing infrastructure (weighbridge, offices and site access) currently in place at the quarry before it is removed and the land fully restored. The contribution the extended quarry would make towards the supply of sand and gravel would not be significant in the region but is still considered in compliance with Policy CP1 and Policy CP4 of the Richmondshire Local Plan Core Strategy due to the promotion of sustainable growth of key economic sectors. Policy CP7 of the Richmondshire Local Plan Core Strategy (2014) in terms of employment and the promotion of sustainable growth of key economic sectors also supports this proposed development.
- 7.4 Policy M07 (Meeting concreting sand and gravel requirements) of the MWJP states that requirements for concreting sand and gravel will be met through existing permissions and the grant of permission on sites and areas identified in the Joint Plan for working. In the supporting text for policy M07 Pallet Hill is listed as one of the sites (Northwards Distribution) with permitted reserves of concreting sand and gravel as of 30 June 2016. Therefore, Pallet Hill Quarry's contribution to supply and maintaining the landbank is noted. However, this small scale further extraction, currently under consideration, is not allocated in the Plan and the amount of concreting sand needed to meet requirements over the plan period is relatively small, nevertheless PPG for minerals indicates that there is no maximum landbank level

and applications must be decided on their own merits. The proposed extension is small but would release a viable reserve in an operating quarry which has had permission in the past. Therefore it is considered that the proposed development is in compliance with Policy M07 of the MWJP. Also relevant is MWJP policy M01 in regards to the Broad geographical approach to supply of aggregates which requires minerals sites where possible to be outside the national parks, areas of outstanding natural beauty and the city of York, which this proposal is in compliance with.

- 7.5 The proposed extension is not allocated within the MWJP and Policy M10 in regards to unallocated extensions to existing quarry's states proposals would be acceptable if the site is not in a National Park or an AONB, would not compromise the overall sustainable strategy for minerals and would be in general consistent with the direction of policies within the MWJP. It is considered that this proposal is in compliance with this policy and would make use of existing infrastructure on the site for minerals extraction before it is removed and the land fully restored, where it would be unlikely in the future to be economically viable in the future to extract this mineral on the restored site, after the sites infrastructure is removed. It is furthermore considered the proposed development is in compliance with D01 and D11 in regards to the presumption in favour of sustainable minerals developments which are proportionate to the scale and nature of the site, this is as the proposed extension of time and small scale extension would make use of an existing site and its infrastructure, while also avoiding a negative impact on local employment and a negative impact on the supply of sand and gravel from a site with a long history as a quarry.
- 7.6 The NPPF (paragraph 209), recognises that a sufficient supply of material to support the country's needs are required with minerals being essential to economic growth and in regards to paragraph 211 encourages Mineral Planning Authority's to plan to maintain a 7 year landbank for sand and gravel. The MWJP Policy M04 adds to this stating this is to be maintained in northwards and southwards distribution areas. MWJP Policy M02 and M03 in regards to the provision and distribution of sand and gravel provision states 36.6 million tonnes is provided for the period to December 2030 and the distribution is almost even between the north and south of the County. Therefore it is considered the principle of this development is consistent with the NPPF and in compliance with the Minerals and Waste Joint Plan. Although small the extension to the site would make a valuable contribution towards the supply of concreting sand in the County and to the main markets in the sub region.
- 7.7 Therefore it is considered that the amendment to condition 2 in regards to time limits and condition 5 in regards to approved documents are acceptable in principle. In regards to condition 2 the extension of time is required to complete the originally approved extraction due to the prolonged period required to extract the stated minerals which in part was due to the economic downturn in 2007 when rates of extraction slowed, the extension of time would also allow further time to extract this new small area of extraction which would contribute to the sand and gravel landbank of the County Council. In relation to condition 5 it is considered appropriate to allow this condition to be amended to include the new extraction area and bring the plans up to modern standards from that submitted in in 1993.
- 7.8 Landbanks are an important aspect of Government policy to ensure continuity of supply of minerals and support economic growth and provision of infrastructure. The contribution the continuation of quarrying at Pallet Hill would make towards a sufficient supply of sand and gravel in the region is consistent with national planning policy contained within the NPPF (paragraphs 209, 211 & 213) which advise weight to be given to the benefits of minerals extraction. As the proposal is considered in line with the Development Plan including Richmondshire Local Plan policies CP1, CP4 and CP7 it is also consistent with the NPPF paragraph 11 because of the benefits of

the application. The proposal is also in compliance with MWJP policies M01, M02, M03, M04, M07, M10, D01 and D11 in regards to the supply of sustainable minerals and waste development, however, any potential adverse impacts on the environment and amenity arising from the proposed extension need to be considered in detail and further material considerations are addressed in the subsequent sections of this report

#### Principle of the Plant Site Specific Issues

- 7.9 Since the grant of the original permission new houses now stand approximately 30 metres south of the current plant site boundary and approximately 120 metres south of the operational plant site. In approving such developments, the District Council would have had to have had regard to the presence of the nearby established quarry which benefitted from an extant planning permission allowing mineral extraction and restoration. The potential impacts on the amenity of these residential properties is considered in later paragraphs below. In this instance the application includes significant geological investigation of the site and is further supported by the wider site being an active quarry and it is considered the information provided with the application is adequate in order to allow the determination of the application. In terms of the scale of the development and the location of the proposed quarry extension, this is located over 250 metres distance from the residential properties south of the quarry extraction area. It is acknowledged that the extension to mineral extraction would be a minor increase in the size of the quarry site within the landscape and it is considered that there would be appropriate mitigation measures in place to assist in visually screening the development during its operational phase and the plant site. The proposal would also not move any closer than the previously approved extraction area. Therefore the scale of development is considered acceptable and should be considered against its temporary nature and that it would assist the County Planning Authority's role in securing a long-term supply of sand and gravel in the county. It is considered that the application is only a short term extension to the quarry working until the end 2024 for extraction and therefore its impacts would be short term as the site would be restored in full by the end of 2025.
- 7.10 In regards to the plant site there is currently a further application to renew consent for the current access to the site which expired on the same date as the quarry (Ref. C1/19/00587/CM). This application is not currently subject to any objection from interested parties and therefore likely to be determined under delegation. It can also be confirmed that there are currently properties within St Paulinus Crescent which are within the red line boundary for this application brought to committee. These properties are located on the previous site access and the properties were built in approximately 2001, after the current site access was located further north. Due to this properties have been notified that this application includes land under their ownership as required by the Town and Country Planning (Development Management Procedure) Order 2015 Certificate under Article 14. These properties now have been classed as land excluded from the planning permission and would not be included in the legal agreement for the site.
- 7.11 In addition to this it is also considered that the plant site for this application has also extended west outside the red line boundary of the application site. This extended area outside the red line boundary has been utilised since the site was first operated, without planning permission. As this extended area is within the ownership boundary of the site it is considered that this area can be controlled via condition. Therefore this area outside the red line boundary in the applicants control can be required to be restored as well as the rest of the plant site. In addition to this north of the plant site there is a further extant planning permission (Ref. C1/13/00295/CM) which has a red line boundary which overlaps into the current application permission. This is a separate operator which has its own restoration requirements, by December 2022. Therefore the applicant would not be restoring this other area which is being utilised

by the separate operator. It is considered that the site has a complex site history but the three issues stated in the above paragraph can be sufficiently controlled via conditions and the S106 agreement through this application which gives the opportunity to review the existing permission and its conditions to bring these up to a satisfactory modern standard.

Local Amenity (noise)

- 7.12 The Environmental Statement (ES) contains an assessment of the potential noise impact (Chapter 9) at noise sensitive locations as a result of the continued operation of Pallet Hill Quarry. It is noted that an objection made reference to concerns about noise disturbance arising from the continuation of operations at the plant site. The noise assessment within the ES was undertaken at four locations one north of the extraction site at Catterick racecourse (Field House), one on Willow View to the south of the extraction site, one south of the plant site at St Paulinus Crescent and one south of the plant site on Bishops Close. The ES states the predicted noise levels for the site would not exceed the background noise more than 10dB(A) and are within the maximum limit. The ES concludes that the quarry would be able to continue to operate within the controls of the noise limits set by the previous planning conditions and relevant government guidance, which include ensuring machinery is well maintained, avoid unnecessary horn usage, keeping internal haul roads well maintained, limited hours of operation and starting all plant equipment sequentially. The operational layout, location of the processing plant, route of internal haul roads and location of screening bunds and fences have been designed to offer maximum protection from potential impacts, and to protect the amenity at nearby residential receptors.
- 7.13 Whilst the proposals would involve undertaking plant site activity near to the new residential properties of Bishops Way and the properties building approximately in 2001 on St Paulinus Crescent, it should be noted that the continued workings would take place over a relatively short period, with total activity to completion of restoration occurring by 2025. It is considered that main area of concern is the plant site, the operational site north of the road, where extraction takes place has not been the subject of any complaints. This area of the site is significantly further away from any residential properties and has the same noise mitigation techniques utilised, the two relevant noise monitoring locations for this area are Field House 340 metres to the north west and Willow View 280 metres to the south east. The Richmondshire Environmental Health Officer states the assessment of noise in Chapter 9 of the ES is capable of being operated in compliance with conditions 22 and 23 of the previous permission (ref. C1/15/250/PA/F), further stating the operations would not exceed the background noise level of LA90, 1h) by more than 10 dB(A) and would be within the maximum 55 dB(A) LAeq,1h limit outlined in current minerals planning practice guidance.
- 7.14 The relevant Richmondshire Local Plan policy is CP3 (c) and CP4 point 3 in regards to sustainable development and sites for development which promotes health, well-being and safety of the population and requires developments to not cause significant adverse impact on amenity. It is considered that the proposed development is in compliance with these two Richmondshire Local Plan policies as the proposed development does not seek to alter the previously approved hours of operation, maximum noise levels or any other operational processes/practises, with the annual output from the site also not increasing. Furthermore the continued imposition of a maximum noise level and restricted hours of operation would ensure that the site continues to operate so as to ensure that the impacts of noise is mitigated so as not to result in environmental harm. Therefore, subject to appropriate control and monitoring of noise, with a requirement for implementation of additional mitigation measures if necessary, it is not considered that any unacceptable impact due to noise would arise.

- 7.15 In light of the above regards to the plant site it is considered that predicted noise levels arising from the development would remain within acceptable limits as defined in national planning guidance and the unavoidable noise from the site can be controlled and mitigated to minimise the impact. It is furthermore considered in compliance with Policy D02 of the MWJP is also relevant in relation to noise which seeks to safeguard communities and residents from unacceptable impacts in regards to noise. It is considered that the mitigation in place through bunding and the mature tree planting between the plant site and the residential properties is sufficient to safeguard residents from any unacceptable impacts from the site. Furthermore the addition of relevant conditions to the application in regards to noise would sufficiently mitigate the impact.
- 7.16 In addition, the hours of working are defined by condition and would not extend beyond those previously permitted. The requirement for all plant, machinery and vehicles used to be fitted with effective noise attenuating equipment to be regularly maintained could be carried forward should planning permission be forthcoming and where earth mobile plant is proposed to be operating within Phase 6, non-audible reverse warning alarm systems could be deployed (see Condition 24). This planning application proposes to maintain the previous application's minerals management operating practices at the site, including hours of operation or methods of working. In regards to the NPPF the relevant paragraph is 185 which requires decisions to ensure development is appropriate for its location taking into effect the cumulative impact on health, living conditions and the natural environment, including mitigating and reducing the impact on noise, identifying tranquil areas and limiting light pollution. In this instance it is considered the proposal is consistent with the principles of the NPPF paragraph 185 in relation to amenity protection and the guidance on noise contained within the PPG, which seek to ensure that there are no significant effects upon amenity arising from developments, because of the mitigation provided by the operator and the noise levels being able to be maintained to a level which would not have significant adverse impacts on health and quality of life.
- 7.17 On the basis that such mitigation and controls are secured by the imposition of planning conditions, it is considered that the proposed development would not result in significant adverse noise impacts upon any local residential property. As such, it is considered that whilst the current proposal represents the second occasion that the operator has sought to extend the length of time within which the development shall be completed, this is considered unlikely to result in a significant adverse impact upon the amenity of local residents living in proximity to the site or to any nearby village. This is considered to be consistent with the principles of the NPPF in relation to amenity protection, the guidance on noise contained within the PPG, which seek to ensure that there are no significant effects upon amenity arising from developments, adding further weight in support of this application. In light of the above it is considered that predicted noise levels arising from the development would remain within acceptable limits as defined in national planning guidance and the unavoidable noise from the site can be controlled and mitigated to minimise the impact in compliance with the amenity protection elements of CP3(c) and CP4 point 3 of the Richmondshire Local Plan Core Strategy (2014). It is also considered that the proposed development is in compliance of Policy D02 of the MWJP in regards to local amenity and cumulative impacts as it has been demonstrated there would be no unacceptable impacts.

Local amenity (air quality and dust)

- 7.18 The applicant has provided an air quality assessment within Chapter 10 of the ES. The assessment considers the site and surrounding area and existing air quality and the effect of meteorological conditions. The assessment also identifies the potential sources of dust and considers the emission magnitude and evaluates risk. It sets out

the proposed prevention and control mitigation measures, which include limiting drop heights, site speed limits, progressive restoration, plant crushers and screeners using water throughout the process, HGV's requiring to be sheeted with arriving and leaving the site and a road sweeper being deployed when necessary. The assessment acknowledges that dust can be generated from the movement of the minerals around the site and from earthworks operations, such as soil stripping and restoration. In terms of processing this could continue to be restricted to only taking place within the plant area (see Condition 25) should Members be minded to grant permission. The ES includes an assessment of the nearest residential receptors and states that Bishops Way and St Paulinus Crescent have a slight adverse effect through dust and Willows View and Field House have a negligible effect from dust. The ES concludes that the mitigation would minimise the impact of dust and that the proposed continuation of the site is unlikely to cause a significant decrease in air quality in the locality.

- 7.19 The relevant Development Plan policies against which to assess the proposed development's effects associated with dust and its potential for significant adverse impact upon both the local community and the natural environment have been outlined in Section 6.0 of this report. Richmondshire Local Plan policy CP3 is relevant as it ensure proposals do not have a significant adverse impact on the amenity of neighbours and required an air quality/dust assessment with mitigation measures to ensure there are no significant effects.
- 7.20 The Environmental Health Officer responded stating air quality assessment shows that the proposal is not likely to cause an exceedance of PM<sub>10</sub> and PM<sub>25</sub> Air Quality Objectives in the area. The consultee further states dust on the site is currently controlled through condition no.20 of Decision Notice C1/15/250/PA/F dated 10<sup>th</sup> November 1993 and therefore dust mitigation measures should already be in place and are to be carried forward to this permission. It is proposed that the dust management condition (Condition 20) is updated to include the dust management plan which is appendix 6.3 of the Environmental Statement. On the basis that such measures are secured through condition and continue to be implemented at the site, it is considered that the impact of dust upon local amenity is likely to be minimal. This is considered to be consistent with the guidance on dust control contained within the PPG in regards to air quality, along with the principles of the NPPF Paragraph 185 in relation to the protection of local amenity. Due to the consultation response and the air quality assessment in the ES and the mitigation measures in place it is also considered that the proposed development is in compliance with Richmondshire Policy CP3 as there would be no significant effects and the required information in relation to a dust assessment and mitigation measures have been received.
- 7.21 With regard to the impacts on local air quality from traffic emissions it is noted that the application does not propose an increase in HGV traffic above the existing level and the traffic generated is not considered to be significant in terms of the air quality impact. The potential for dust generating sources have been recognised and assessed and there have been no objections raised by the District EHO. It is considered that the dust and air quality can be sufficiently controlled and mitigated to minimise the impact in compliance with paragraph 211 of the NPPF and policy CP3(c&e) of the Richmondshire Local Plan Core Strategy (2014). It is also considered that the proposed development is in compliance with policy D02 in regards to local amenity and cumulative impacts as there would be no unacceptable impacts upon residential amenity. Policy D02 of the MWJP is also relevant in relation to dust which seeks to safeguard communities and residents from unacceptable impacts in regards to dust.
- 7.22 For the reasons detailed above, whilst the objection in regards to noise and the impacts of further extraction is noted, it is considered that the proposed development

would not result in any significant adverse impacts upon residential amenity or on human health. Therefore, with unavoidable noise from the site being able to be controlled and mitigated to minimise the impact and dust also being able to be successfully managed and mitigated through conditions, the proposal is consistent with paragraph 211 of the NPPF and policy CP3 and CP4 of the Richmondshire Local Plan. It is also considered that the proposed development is in compliance with MWJP Policy D02 in regards to local amenity and cumulative impacts.

#### Landscape and Visual Impact

- 7.23 Chapter 7 of the ES assessed the landscape and visual effects of the proposal on the wider landscape and surrounding residential properties and assessed that there will be no significant adverse effects from continued operation of the quarry. The quarry is not situated within any nationally designated landscape, and the landscape and visual impact assessment (LVIA) has not identified any significant effects or cumulative effects on the local countryside as a result of the continuation of working within the existing quarry or the further small scale extraction area. The ES includes a site assessment has taken into account an assessment of 4 residential receptors Field House, Grandstand Cottage, properties of Willow View and properties of Bishops Close. In regards to these receptors Grandstand Cottage and Willow View would experience no adverse visual effects due to vegetation screening, in regards to Field house there is the potential for a 'slight adverse' impact during winter months for a temporary period while machinery is moved along the boundary and in regards to St Paulinus Crescent and Bishops Close which are in proximity to the plant site some properties could potentially have a view of the access road to the quarry giving 'slight adverse' impacts and vehicle movement but are well screened from the actual plant site. Once restoration is complete both these properties would have 'slight beneficial' impacts.
- 7.24 The control of the plant site restoration, phasing and woodland protection measures to be completed could be controlled by condition. The previous restoration scheme was approved as part of planning permission reference C1/15/250/PA/F (granted 7<sup>th</sup> November 1994) covering the area where mineral extraction is due to continue as part of this planning application, however did not cover the new area of extraction which was to be left as an agricultural field. This permission has expired and the current application is to extend this time period so this extraction can be completed and a small further area of extraction and restoration. The landform would be formed from overburden and the replacement of soils taken from the application area
- 7.25 In regards to the visual impact of the site, it can be split in two from the north of the road with the current and proposed extraction area and south of the road which includes the plant site. In regards to the northern extraction area it is considered that the planting put in place initially to screen the site from Leeming Lane (A6136) to the west of the current extraction site has been successful and continues to protect the site from significant external views. The extraction area north of the road is very well screened from residential properties to the south, the boundary to the west is well screened with trees to the north and west with the river swale beyond. In the short term there could be some slight landscape impact on the area with the working area being closer to the road (Leeming Lane) and the views from Field House however this would be limited to winter months and would not any more visually intrusive than the currently approved scheme. The short term nature of the further extraction only being permitted until December 2024 and allows the restoration to be completed to improve the visual impact of the site.
- 7.26 In regards to the plant site to the south of the road, although this is a more open area with views from the racecourse to the north and the re-aligned A1, the site, again, is an established part of the landscape and this temporary extension of time to would allow it to be fully restored and bring it to a nature conservation end use. The

screening, and some previously completed restoration, has unfortunately not been as successful as that to the north of the road on the current extraction site. This application gives the opportunity for an updated plant site restoration plan to be considered, as it is unknown whether the plan on file was previously approved. This would give the opportunity to strengthen the screening of the site to the north of the plant site and to have a new scheme implemented which would bring significant benefits to the landscape character of the area. To the south of the plant site is significant screening woodland which has been in place since the quarry became operational although when previously approved this screened the site from properties significantly further away than Bishops Close and St Paulinus Crescent.

- 7.27 It is not considered that the extension of time would significantly alter the impact the site which has been an established part of the visual landscape for over 20 years, it is considered that there is considerable screening to the site on both the plant site and the extraction site and that this extension of time for a short period in terms of minerals extraction would allow for the restoration of the quarry to be completed. Furthermore would allow the nature conservation and biodiversity improvements be implemented to mitigate the current impact during extraction, therefore concluding in an overall beneficial scheme in terms of the impact on the landscape and biodiversity.
- 7.28 Further separate consideration is required of the new extraction area which brings quarrying closer to the A6136 and is in proximity to the Grandstand Cottage and Field House. The LVIA considers that the proposed extension to the quarry could have a slight adverse effect on Field House due to the proposed further extraction area. It is though considered that the after restoration there would be a slight beneficial effect, during operations the impact can be mitigated through the management of the site and conditions. Furthermore the tree's which were planted on the site boundary next to the A6136 west of the site for the original application, will also be in place to screen the further proposed extraction area.
- 7.29 Richmondshire Local Plan policies relevant to the landscape and visual impact of the proposed development are SP3, CP3, CP4 and CP13. Policy SP3 relates to protecting environmental assets and character with the conservation or improvement of the rural environment. Policy CP3 seeks to promote the character and quality of the local landscapes and wider countryside and development which would significantly harm the natural and built environment would not be permitted. Policy CP4 states development should be of an appropriate nature to secure the sustainability of each settlements in the hierarchy and be well related to existing facilities not adversely impacting the character of the settlement and important views. The final relevant Richmondshire Local Plan policy is CP13 promotes a high quality design of landscaping which are visually attractive, functional, low maintenance and enhance the local context of the area. The site is an established quarry and the on-going mineral extraction operations within the quarry successfully mitigate the impact of the quarry, which fits in well with the scale of Catterick village with no significant impacts on the character of the area or the village itself, which is considered in compliance with policy CP4. It is further in compliance with SP3 as the restoration of the site would bring the site improve the biodiversity of the area and the extraction would have limited short term impacts on the environment which can be mitigated. The proposal is also in compliance with CP3 and CP13 as it would not have a significant impact on amenity or affect the quality of any natural resources including air quality, soil quality and water quality, would not significantly harm the natural and built environment and is considered to be a high quality design in terms of landscapes.
- 7.30 The NPPF seeks to ensure that developments are sympathetic to local character, including the surrounding built environment, historic environment and landscape

setting. Furthermore, the NPPF indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. This is further supported by NPPF Paragraph 174 which requires planning authorities to make decisions which contribute to and enhance the natural and local environment by protecting landscapes, recognising the character of the countryside, minimising impacts on biodiversity, preventing pollution and remediating despoiled land. The NPPF requires planning decisions to aim to conserve and enhance the natural environment. The impacts of the proposed development are considered to be capable of being adequately mitigated by the measures proposed by the applicant and are considered capable of being acceptable in land-use planning terms should appropriate levels of control be capable of being imposed through suitably worded planning conditions. This is further supported through the delivery vehicle of a S106 Legal Agreement capable of providing the mechanism to address the concerns from consultees in regards to long term management. It is considered that the development which comprises the continuation of mineral extraction within the existing quarry until 31 December 2024 and restoration until 31 December 2025 for a further one year would not have an unacceptable or harmful impact on the landscape character of the area and is consistent with the NPPF.

- 7.31 The proposal is also assessed against Policy D06 (landscape) of the MWJP. It is considered the proposal is in compliance with policy as there are no significant views into the site or detrimental impacts on the local landscape from the development, with the slight impacts being mitigated through the imposition of conditions. Furthermore, the proposal is also considered to be in compliance with Policy D10 of the MWJP as the restoration will be linked to the extant permission area and would be completed progressively and on a phased basis, with only onsite materials being used to facilitate the restoration. ‘
- 7.32 The County Principal Landscape Architect is generally satisfied with the scheme after further information was submitted to clarify issues with the restoration scheme and long term management of the site, the landscape officer requested a condition in regards to the restoration of the plant area of the site with an updated restoration scheme due to the previous scheme lacking in detail and not having been implemented successfully. In addition to this the Yorkshire Wildlife Trust and Ecologists state the application site due to its proximity to the Swale Lakes SSSI its restoration will be of benefit of not just at a site level, but also at a landscape level being very valuable to the wildlife in the area and it is therefore crucial that the extension of time is given so a high quality restoration and aftercare scheme can be achieved.
- 7.33 In conclusion this proposal for an extension of time and further area of extraction would not significantly alter the character of the site or have a significant visual impact further than the approved minerals extraction and plant site. The scheme limits the effect of operations upon the character and visual appearance of the local landscape and surrounding area. It is considered that the previously approved restoration scheme, along with the extraction area off extraction added remains the most appropriate method of achieving an improved standard of landscape for the site. In terms of an updated plant site restoration plan this is capable of being conditioned to any permission so a high quality scheme is approved. The restoration of the site would result in a positive impact upon the character of the site and wider surrounding area. The closure of the quarry without this extension of time would not allow the approved restoration scheme to be completed in its entirety to the highest level and whilst it is acknowledged that Paragraph 211 of the NPPF encourages *“restoration and aftercare at the earliest opportunity”* it also requires it to be *“carried out to high environmental standards”*. It is considered the short term nature of the working would lead to a long term benefit for the area. It is also considered the

proposed development is consistent with the NPPF paragraphs 174, 180 and the PPG for the natural environment. In terms of policy compliance, it is considered that the proposed restoration and aftercare plans would protect the environment and those living within the vicinity of the site from potential landscape and visual impacts. The proposal is also in compliance with policies D02, D06, D07 and D11 of the Mineral and Waste Joint Plan.

#### Soils, Restoration and Aftercare

- 7.34 While the majority of the remaining area to be extracted has already been worked out and the soils replaced, the proposal includes a continuation of good practice in terms of the handling of soils during stripping and their storage prior to restoration at the end of extraction to ensure their long term integrity and viability for future habitat creation in the restoration scheme. This is capable of being secured by planning condition (see Conditions 7-12) with no additional soils being required to be imported.
- 7.35 The previously approved restoration scheme for the Pallet Hill Quarry is shown on drawing L/1034/17/4 dated July 1990 which was approved as part of planning permission reference: C1/15/250/PA/F (granted 7<sup>th</sup> November 1994). A detailed 5-year aftercare scheme was also approved as part of the discharge of planning conditions of planning permission reference: C1/15/250/PA/F (granted 7<sup>th</sup> November 1994). The proposed restoration scheme for this application has been amended to integrate into the existing scheme. The proposed development seeking the final small area of extraction and its restoration is considered to be an appropriate integration with the approved restoration landform for this site as demonstrated within Appendix E attached to this report.
- 7.36 The site is to be restored to a mixture of nature conservation habitats, including grazed open parkland, lakes, marginal vegetation, wet woodland and neutral grassland. The restoration plan confirms the final shape of the lakes, the lake edge planting, the nature of habitat creation on the land surrounding the lakes and the provision of public footpaths. In addition, it is proposed that existing hedgerows and woodland would be enhanced. The restoration design and implementation is guided by the Restoration and Aftercare Management Plan which incorporates a bird management plan which influences the size, shape and edge profiling of the remaining lakes.
- 7.37 The restored site would be subject to the statutory 5-year aftercare period, after which the applicant has committed to longer term management of the site for a further 35 years by an appropriate body for nature conservation, public access and recreation. This long term management scheme is to be secured through a deed of variation to the S106 agreement. The condition in relation to the five year aftercare requirement of the site has been updated to include the details previously approved in the document Ref. No ref. Outline Agricultural Five Year Aftercare Scheme, dated May 1996) and the updated Outline Management Plan (dated September 2020). This is considered to be consistent with the principles of the NPPF which seeks the effective restoration of mineral sites at the earliest possible opportunity and as outlined within Paragraph 211 of the NPPF.
- 7.38 The restoration of the plant site was approved through the previous restoration scheme as part of planning permission reference C1/15/250/PA/F (granted 7<sup>th</sup> November 1994). Condition 14 of the permission for the new site access approved on 13 March 1997 (C1/15/227) required the submission of a detailed landscaping scheme prior to implementation. The northern section of the plant site has been partially restored, however it is considered that planting in this area has failed and is not in compliance with the previous plant site restoration scheme. Therefore, this planting would be required to be re-placed to complete the restoration scheme. Due to this, it is considered that a condition should be attached to any permission

requiring the applicant to submit a new plant site restoration scheme, which outlines the restoration plans for the land under their control. Further to this, looking at the application boundary, it is considered the plant site has extended beyond previously approved red line boundary. The applicant has confirmed that the land the plant site has extended into is still within the applicant's control and therefore the condition in regards to plant site restoration capable of including the restoration of this area of land. MWJP policy D06 as the intended use is agriculture, nature conservation and recreation which would be the best practicable use of the land. It also includes carrying it out at the nearest possible time, in line with the current permissions for the restoration of the site.

- 7.39 Richmondshire Local Plan policy CP3 point f. states the requirement for the protection of best and most versatile agricultural land, the policy also in point e states proposals should protect the quality of natural resources including land. In regards to soils, while this further area of extraction does not include land that is best and most versatile, in this instance, the working would, nevertheless, lead to a permanent loss of around 0.54 hectares of moderate quality ALC grade 3b land to accommodate the proposed lake and the margins of the site. Of the 2.31 hectares of land impacted by this proposed development, there would be a temporary loss of 1.77 hectares of agricultural production, which, after restoration, would be reinstated to lowland grassland with production for grazing using a full soil profile. The agricultural land to be reinstated is stated to be restored to at least ALC subgrade quality 3b which is capable of being controlled via condition. It is considered that although that the proposal is in compliance with Richmondshire Local Plan policy CP3 as although the land is not ALC grade 3a the soils and land should still be sufficiently protected. Policy D10 and D12 of the MWJP is also relevant in relation to reclamation and aftercare which seeks to require restoration to be carried out to the highest standard appropriate to the locations scale. Criterion i) of Part of MWJP Policy D10 requires *"In areas of best and most versatile agricultural land, prioritising the protection and enhancement of soils and the long term potential to create areas of best and most versatile land during reclamation of the site"*. In regards to MWJP Policy D12 proposals should seek to protect BMV land from unnecessary and irreversible loss, with high quality aftercare and proposals are required to demonstrate that all practicable steps will be taken to conserve and manage soil in a sustainable way.
- 7.40 In granting the previous permissions there was a recognition of the benefits of the restoration scheme proposed by the applicant. This application does not alter the restoration scheme, but would allow for its completion in full after which it would be subject to the previously agreed aftercare management period. There are no objections from the County Principal Landscape Architect, County Ecologist, Natural England or the Yorkshire Wildlife Trust and, through this application, there is presented an opportunity to review mitigation and restoration progress via the Section 106 legal agreement. It is therefore considered that the proposed restoration on the site is capable of being achieved to a high standard and, were it to be approved, would be subject to extended aftercare management. It is considered to be consistent with the NPPF and PPG Natural Environment and policy CP3 the Richmondshire Local Plan Core Strategy (2014). It is also considered that the proposed development is in compliance with MWJP policies D02, D06, D07, D10 and D12.

#### Cultural Heritage and Archaeology

- 7.41 This is assessed within Chapter 12 of the ES, which states the nearest listed building to the site are Catterick Bridge approximately 270m to the west which is grade II listed and a further 5 structures beyond it further west at Catterick Bridge itself, which is Grade II\* listed. The site is also not visible from the Church of St Anne, the historic core of the village or conservation area. The site is also in proximity to the scheduled ancient monument focused around Catterick Bridge and the racecourse, however the

ES considers the impact of the proposal on this to be neutral and the plant site being operational in proximity to this since the 1970's. The ES concludes in light of the intervening land, topography, bunds and planting, the continuation of mineral extraction and further area of extraction would not have an adverse impact upon the setting of any heritage assets. The County Archaeologist has confirmed that there are no objections to the extension of time and further extraction, subject to the applicant undertaking archaeological recording secured by condition (Condition 35 and 36) included on any permission granted.

- 7.42 The relevant *Development Plan* policies against which to assess the proposed development's effects associated with potential heritage and cultural impacts have been outlined in Section 6.0 of this report. The Richmondshire Local Plan policy relevant to this element of the proposed development is CP12 in regards to protecting natural and man-made assets in the area, whether designated or not. The aim of this policy is to ensure a heritage asset and its setting is protected along with the features which contribute to its historic interest. It goes on to state harm to elements of the asset would only be permitted where there is a compelling reason and opportunities are sought to outweigh this harm. It is also assessed against policy D08 (Historic Environment) of the MWJP which aims for minerals developments to conserve and where possible enhance heritage assets. Relevant to this application is criterion three which states that proposals that would result in less than substantial harm to a designated heritage asset would be permitted where this is outweighed by the public benefit of the proposal.
- 7.43 In this instance, it is considered that no heritage assets designated or non-designated would be impacted through this proposed development. The development is well screened from all designated assets including Catterick Bridge to the north, all assets in Catterick Village and the Catterick Village Conservation Area. The NPPF requests in paragraph 199 that the impact of a proposed development on the significance of a designated heritage asset is considered in any application and great weight should be given to that assets conservation. In this instance the proposed development would have no impact on Catterick Bridge Hotel, Catterick Bridge and the Church of St Anne and would not result in any harm to these heritage assets due to the location of the site and screening put in place to protect the amenity of the area. It could be the Scheduled ancient monument comprising of the buried remains of a roman military base and settlement would be harmed by the continuation of the use of the plant site to the south. In regards to paragraph 200 of the NPPF when considering the impacts any harm should be clearly and convincingly justified. Paragraph 202 further states that where this will lead to less than substantial harm this harm should be weighed against the public benefits of the proposed development. In this instance it is considered the continued working would have less than substantial harm on the scheduled ancient monument and is considered to have a neutral impact on the heritage asset. This is supported by there being no extraction in proximity to the buried site and that Historic England have no objection to the proposed development. It is therefore considered that the proposal would have less than substantial harm on the scheduled ancient monument and the public benefit of the need for minerals extraction and optimising the use of an existing site is considered to outweigh this less than substantial harm on the scheduled ancient monument.
- 7.44 The NYCC archaeologist has been involved in the consultation process and has recommended an archaeological watching brief as mitigation to confirm any previous history of the site and protect its value, which is too attached to any permission as a condition (draft condition 35 of the schedule). Therefore it is considered that the impact of the proposal upon cultural heritage assets have been fully assessed and appropriate mitigation included in accordance with policy set down in respect of heritage assets within the NPPF and in compliance with Policy CP12 of the Richmondshire Local Plan Core Strategy (2014). It is also considered that the

proposed development is in compliance with Policy D08 in regards to the Historic Environment.

Habitats, nature conservation and protected species

- 7.45 The application was not initially submitted with a chapter of the Environmental Statement in regards to ecology; however, this was submitted after the consultation response from the NYCC Ecologists. This states the main habitats on site are arable land, reseeded grassland and ponds. The hedgerows on site are considered priority habitats and are considered a feature of local importance, with the report stating that while the ponds are of least local importance, they do provide bat foraging habitat. The ecological impact assessment in the ES Addendum Chapter, stated that continued quarrying is capable of being undertaken with no adverse negative effects impact upon local ecology and with no anticipated impacts on the Swale Lakes SSSI to the south of the site.
- 7.46 With respect to the Swale Lakes SSSI, this is of importance in regards to breeding birds and large numbers of wintering wildfowl and waders. In regards to protected species firstly, in regards to bats, at the site the boundary, hedgerows to be retained provide large numbers of roosting features and the water bodies provide good quality foraging habitat; although there are no structures on site with bat roost potential. The ecological survey states no signs of otters were found at the site; however, after the completion of the scheme, otters are likely to visit the fishing ponds. It further states the Great Crested Newt potential was low with disturbed ground through the existing quarrying. In regards to birds, two buzzard nests were located on the site and a large number of water birds were using the large lake, including mallard, Canada geese and oyster catchers.
- 7.47 It is considered that the mitigation measures currently in place through the original permission are still appropriate and that they have been embedded into the approved restoration scheme for the site. The restoration scheme for the main site area has not been significantly altered and is considered to still be an appropriate form of restoring the site as it provides feature for bats, birds and amphibians, with the restored habitats around the edge of the quarry providing a good quality of habitat. At present, a significant amount of this restoration has been completed to a high standard. Mitigation for the scheme is required to lessen the impact of the operational phase of the proposed development limiting the impact of noise, light and vehicle movements on the site and increased disturbance around the site. Conditions in regards to vehicle movements, noise and soils are to be added to any permission to limit this impact during the extraction phase of the development. The County Ecologist and Yorkshire Wildlife Trust have stated in their respective consultation responses that they are happy to see a biodiversity action plan, as the application site is close to the Swale Lakes SSSI and a number of sites of importance for nature conservation. It is considered that the biodiversity action plan and the long term management of the site are therefore important for the wildlife of the area.
- 7.48 Relevant extant Development Plan policies against which to assess the proposed development's affect upon the natural environment including protected species are Richmondshire District Local Plan SP3 and CP4 in regards to rural sustainability, protecting and enhancing environmental assets and character, there are specific requirements to deliver development appropriate to the scale and nature of a settlement and an effective response to climate change and sustainable development. Policy CP4 is also relevant as it requires development to conserve and enhance natural assets, with proper management with biodiversity, geodiversity and the landscape of the area being maintained. The relevant part of the Minerals and Waste Joint Plan is D07 in regards to biodiversity and geodiversity which permits proposals which can demonstrate there are no unacceptable impacts on biodiversity,

SSSI or sites of local interests. Further stating developments should only be permitted where the benefits clearly outweigh the impacts on the SSSI.

- 7.49 The restoration of the site would continue to be carried out in a progressive manner which would lessen the impact on the area. Significant beneficial outcomes are anticipated through the delivery on restoration of new habitats, including lakes, as stated by the Yorkshire Wildlife trust and Ecologists in their consultation responses. The restoration scheme is assessed as likely to improve habitat value for key species including birds, bats and amphibians. It is considered that this mitigation strategy in regards to protected species.
- 7.50 The mitigation measures put forward by the applicant would be implemented and maintained during the course of the development and with this the development would overall have a positive impact on biodiversity and habitats after restoration. With benefits for the SSSI 500 metres to the south and nature conservation being fulfilled on completion of the restoration on the site. Those effects likely to arise during extraction are considered to be capable of being controlled by the use of appropriately worded planning conditions were planning permission to be forthcoming. In regards to the required conditions, these include a condition regarding the ecological mitigation measures within the ES being adhered to. It is, however, considered important that long term management of the created or protected habitats is set out in the long term after-care management plan (35 years) secured by a legal agreement which provides detailed information on the appropriate care for these habitats and for their long term management beyond the operational life of the quarry. The mitigation in the form of conditions and the S106 agreement for an extended aftercare period would safeguard the nature conservation on site and would ensure proposals do not give rise to unacceptable environmental impacts.
- 7.51 As stated above a significant amount of restoration has already been completed on site and it is considered restoration measures, would give rise to a benefit in ecological receptors identified, with it strengthening the Swale Corridor. Further stating the Swale Lakes SSSI would experience a negligible impact from continued operation of the quarry and Natural England have advised that the SSSI does not represent a constraint in determining this application. The Ecologists in their consultation response state the proposed quarry extension is of a low nature conservation value and adequate checks have demonstrated there is a likely absence of protected species and recommend a condition to secure the mitigation measures of the ecology chapter of the Environmental Statement. It is considered that the development would safeguard sites of nature conservation interest and protected species and, in the longer term, restoration has the potential to enhance biodiversity in the area. It is therefore considered that the development would be consistent with paragraphs 174, 180, 185, 186 and 188 of the NPPF and Planning Policy Guidance for the natural environment, which require the protection and enhancement of sites of biodiversity value and would mitigate the potential impacts on the natural environment. This is also in compliance with Richmondshire Local Plan Policies SP3 and CP4 as the proposed development would be a sustainable rural use of the land that would allow for the sites long term future to be protected as well as enhancing an environmental asset in the area.
- 7.52 Policies SP3, CP3 and CP4 of the Richmondshire Local Plan Core Strategy (2014). The proposal is also in compliance with MWJP policy D07 as it is considered that the development would safeguard sites of nature conservation interest and protected species and in the longer term restoration has the potential to enhance biodiversity in the area. It is therefore considered that the development would be in accordance with the NPPF and Planning Policy Guidance for the natural environment.

### Flood risk and the water environment

- 7.53 Pallet Hill Quarry is located on the floodplain of the River Swale which lies at its closed point 50 metres to the north of the site and continuing along the western boundary of the site. The ES (Chapter 6) has assessed the potential impact on the water resources within the surrounding area and concluded that the proposal does not include any permanent land raising and all temporary soil bunds would be removed, with no proposals to increase impermeable surfaces with the site. The application is also accompanied by a Flood Risk Assessment which concludes that the risk of flooding is considered low. The site, the nearest residential properties and the surrounding road network all lie several metres above the height of the river and no change is proposed to the height of the banks of the river to result in an increase in flood potential in this area.
- 7.54 The relevant *Development Plan* policies against which to assess the proposed development's effects associated with potential flood risk impacts have been outlined in Section 6.0 of this report. It is also assessed against policies D02 (local amenity) and D09 (water environment) of the MWJP which have the aims of safeguarding communities from emissions to land and water and states proposals are required to demonstrate no unacceptable impacts to surface and groundwater, taking into account mitigation. These policies indicate that water resources will be protected from the harmful effects of development and proposals would not be permitted where it is demonstrated that there would be an unacceptable impact on flood risk, having taken into account any proposed mitigation measures.
- 7.55 Richmondshire Local Plan policies relevant to this element of the proposed development is CP2 in regards to responding to climate change and steering development away from flood risk zones and using sustainable drainage systems. The aims of these policies are to protect water resources from adverse effects of development; further stating, where required, development should include a site specific flood risk assessment and be able to demonstrate the proposal would not increase flood risk elsewhere. The relevant point to this proposal is that the ES includes a chapter on water resources and within the application there is a flood risk assessment. Although it is proposed to extract mineral from below the water table, it is not proposed to de-water the workings by pumping. Instead, mineral would be extracted directly from beneath the water table using a hydraulic excavator as is the case with the current workings (all phases being worked wet). The development should not therefore directly affect groundwater levels in the vicinity of the site. As the quarry involves extraction of only superficial sand and gravel deposits, no discernible impact is foreseen upon the integrity of the underlying aquifers in the Sandstone, Magnesian limestone, Millstone Grit and Carboniferous limestone beds beneath.
- 7.56 The characteristics of the local water environment are such that the effects of continued mineral extraction and associated water management are considered to be acceptable. The existing condition which relates to ground and surface water monitoring are capable of being carried forward on any grant of planning permission (see Condition 2). The Environment Agency has no objections to the application and it is considered that it would not give rise to any unacceptable adverse impacts upon the water environment. The proposal is considered to be consistent with the NPPF and PPG flood risk and coastal change and Policy CP3 (e&g) and CP4(d) of the Richmondshire Local Plan Core Strategy (2014). It is also considered that the proposed development is in compliance with MWJP Policy D09 in regards to the Water Environment.

### Highways Matters

- 7.57 The ES includes in Chapter 8 an assessment of the impact of continued quarrying on various transport matters, including access only from Leeming Lane, sheeting of vehicles and HGV noise attenuation. The application confirms that there would be no

changes to the volume, method and direction of traffic flows, with on average 76 HGV vehicle movements per day at the site. There are also existing wheel washing facilities on site and a mobile road sweeper, which are proposed to remain. The Highway Authority has not objected to the proposal as it is considered the proposed development would not increase HGV movements above those already permitted for the site. Furthermore, there are no objections from the Parish Councils or local residents on highways grounds. The existing conditions which restrict HGV access to only via the existing access; require the access road to be kept clean and in a good condition; and the implementation of precautions to ensure HGVs leaving the site do not deposit mud or debris on the public highway ('Vehicle-borne debris management plan') are capable of being carried forward should planning permission be forthcoming (see Conditions 19 and 24-26).

- 7.58 The relevant local policy in the Richmondshire Local Plan is CP3 in regards to sustainable development which requires proposals to be well located to minimise the need for travel and CP7 in regards to promoting a sustainable economy making sure that developments have the necessary transport investment. The relevant policy within the MWJP is Policy D03 in regards to encouraging the use of existing infrastructure and permitted transport of materials and also states proposals for road transport is to be permitted, where necessary, when there is capacity within the existing network and there would be no unacceptable impact on local communities and businesses. Paragraph 113 of the NPPF considers transport in relation to new development and states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and, taking into consideration the proposals as put forward, they are considered to be consistent with the NPPF's aims and objectives in this respect. Other paragraphs within the NPPF which are relevant to this application are paragraphs 104-106 which require development proposals to consider transport issues at the earliest opportunity, significant developments should be focused on locations which can be made sustainable and planning policies should support a mix of uses across an area, minimise journey lengths for employment and identify and protect sites which could be critical in developing infrastructure. Paragraph 111 is also relevant in regards to proposals only being refused on highways grounds if there were to be an unacceptable impact on highways safety or the cumulative impacts on the road network would be severe.
- 7.59 This application would not lead to a material increase in traffic generation over that which was previously considered acceptable. The planning permission relating to the quarry combines operational controls and mitigation measures in order to ensure that the quarry operations are acceptable in terms of highways and transport and, where relevant, it is proposed that those controls are capable of being carried forward within any grant of planning permission. In light of the above, it is considered that the traffic generated can be accommodated and would not have an unacceptable impact on highway safety, capacity or amenity. The proposal is in compliance with the Minerals and Waste Joint Plan Policy D03 regarding Transport and associated traffic impacts and Policy CP4 (e) of the Richmondshire Local Plan Core Strategy (2014).
- 7.60 It is noted that a number of conditions were imposed upon planning permission C1/15/250/PA/F, dated 10<sup>th</sup> November 1993 to limit the impact of vehicle movements generated by the site on the surrounding highway network and upon local amenity. Were planning permission to be forthcoming, it is considered appropriate to attach an additional condition in regards to HGV movements being limited to 80 per day (40 in and 40 out), which is condition 16 of the proposed schedule of conditions. Other measures include restrictions on the permitted hours of working; the inclusion of measures to prevent the deposit of material on the highway network and the sheeting of vehicles. It is considered appropriate that the conditions relating to further highway controls, imposed on the previous planning permission for the application site which

is now expired, are brought forward in the event that planning permission is granted. This would ensure that the proposed development does not result in any adverse impacts upon the local highway network in line with the principles of the NPPF Paragraphs 104-106 and 113 in relation to sustainable highway networks, and the highway protection elements of CP4 of the Richmondshire Local Plan; all of which seek to ensure that vehicle movements generated by developments are both capable of being accommodated by, would not have an adverse effect upon the local highway network or prejudice the safety of the highway, adding further weight in support of this application.

- 7.61 For the reasons detailed above, it is considered that the proposed development would not have an adverse impact upon the local highway network, which is capable of continuing to accommodate the proposed vehicle movements. Therefore, the proposed development is considered to be consistent with the NPPF, the highway protection elements of the Policy CP4 of the Richmondshire Local Plan. It is also considered that the proposed development is in compliance with Policy D03 of minerals and waste local plan.

#### Relationship with surrounding Land Uses

- 7.62 There is an outstanding Richmondshire District Council planning application between the west of the site and A1(M). The planning application is for a motorway service area with amenity buildings, a hotel, drive-through food stores, parking, amenity lake and landscaping. The proposed development is accessed off Junction 52 of the A1(M) which has recently been created. The item was on the agenda for Richmondshire Planning Committee on the 21 July 2021, with a report for published on the committee website recommending approval of the service station. Due to the requirement of an independent alternative sites assessment (ASA) being requested to be completed, it was not determined at this committee. It was again placed on the agenda for the 21<sup>st</sup> December 2021 committee meeting with an updated report recommending approval however this meeting was also cancelled and the application has not as of yet been since determined at the Richmondshire Planning Committee. It is considered that if the Richmondshire District Council proposal was to be approved that due to the short timescale remaining in terms of the minerals permission with extraction completing by December 2024 and restoration 2025 that there would limited to no impact on the provision or building of the service station. It is considered by the time the proposal is built out and operational the minerals site would be either closed or in the process of the final restoration being completed, so the views specifically of the minerals plant site would be of the restored site which would not have an impact on the proposed service station development.

#### Planning Conditions

- 7.63 All previous conditions, unless otherwise stated are proposed to remain albeit updated to reflect the development proposed by this application and any schemes approved under conditions since the grant of permission ref. C1/15/250/PA/F, dated 10<sup>th</sup> November 1993. Conditions which required works in earlier phases of the development which are no longer relevant are not proposed to be carried forward in light of the works having been completed.
- 7.64 The conditions which were previously prefaced by words to the effect of “*unless otherwise agreed in writing...*” (known as ‘open’ or ‘tailpiece’ conditions) have been updated to remove such wording so to avoid revisions to the original approved documents or authorising development outside of the formal planning application process. Below is a summary of the amendments to the conditions from the previous application:

Removed conditions:

- Previous Condition 1 and 7 have been removed as the permission is now implemented and mineral extraction commenced.
- Previous Condition 6 has been removed as is duplication covered by condition 4 (Approved Documents).
- Previous Condition 14 – This has been removed as there is no evidence this was discharged at the time and is considered to be covered by condition 40 (Plant Site Restoration).
- Previous Condition 19 – This has been removed as is duplication with updated condition 26 (Plant and Vehicle Noise Attenuation) and condition 15 (Hours of Operation).
- Previous Condition 37 has been removed as it is considered repetition of other restoration conditions and the information required has been submitted through volume 2 of the Environmental Statement and the Outline restoration and Aftercare Management Plan.
- Previous Conditions 40 and 42 have been deleted as it is considered repetition of other restoration conditions attached to this permission.

Updated conditions:

- Previous condition 2 is now condition 1 (Time Limits) and has been updated with new dates for extraction.
- Previous Condition 5 is now condition 4 (Approved Documents) and has been amended to include a table.
- Previous Conditions 7 and 8 have been combined and is now condition 5 (Phasing) having been updated to include the submitted phasing plan for the new area of extraction.
- Previous Condition 10 has been removed and replaced with conditions 9-11 (Soil Stripping and Handling).
- Previous Condition 15 is now condition 13 (Soil Stripping and Handling) and has been updated to include the plan approved through the discharge of condition.
- Previous Condition 20 is still condition 20 (Dust Protection) and has been updated to include the updated dust assessment document details.
- Previous Conditions 21-24 and 26 in regards to noise have been updated to the relevant updated guidance and are still conditions 21-24 (Noise Limitations, Limitation Exception, Monitoring and Exceeded Noise Levels) and 26 (Plant and Vehicle Noise Attenuation).
- Previous Condition 28 is still condition 28 (Building, fixed Plan and Machinery) and requires a restoration scheme for the plant site to be submitted and approved.
- Previous Condition 35 is still condition 35 (Archaeology) and has been updated to include the approved written scheme of investigation.
- Previous Condition 42 has been amended to be included in the approved aftercare scheme condition 39 (Restoration).

New conditions:

- Conditions 16 and 17 (Vehicle Movements) – These conditions limit the amounts of traffic movements and are required to control the activity on the site, in the interests of the amenity of the area and requires the sheeting of vehicles.
- Condition 37 (Ecology) – this is requiring the mitigation in regards to Ecology to be carried out throughout the duration of the development.
- Condition 40 (Plant Site Restoration) – plant site restoration submission requirement condition.

### Section 106 Legal Agreement

- 7.65 If Members were to be minded to grant planning permission, the Section 106 legal agreement would need to be updated and carried forward with the new permission as a deed of variation. In this case, a deed of variation would be appropriate to carry forward the clauses still relevant such as the Local Community Liaison Group, bird management and the long term aftercare management of the restored site. The Section 106 agreement would also have to be updated to include the restoration of the plant site area, which is currently controlled through previous condition 28 (condition 25 under the updated list of conditions). However now that part of the plant site now lies outside the red line boundary of this current application but is still within the control of the applicant, the submitted S106 plan shows the application site and other land in control of the applicant in which is required to be restored under this application within the plant site.

## **8.0 Conclusion**

- 8.1 As referred earlier within this report, under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting position for the determination of this planning application must be the '*Development Plan*' and it must be made in accordance with the extant policies of that plan, unless there are material considerations, including any impacts upon interests of acknowledged importance that would indicate that planning permission should not be forthcoming. The assessment of material considerations within the overall '*planning balance*' has been conveyed within Section 7.0 above.
- 8.2 In this particular instance, there are a range of policies in the '*Development Plan*' to which due regard must be had, as well as a number of other material considerations. In considering the relationship of the proposals to the '*development plan*', Members should note that proposals should be judged against the '*development plan*' as a whole rather than against individual policies in isolation and acknowledge that it is not necessary for proposals to comply with all policies to be found compliant. Members will also need to bear in mind the relative weight to be attached to the applicable policies in the various elements of the '*development plan*' relevant to this proposal against that which is laid down within national planning policy (Section 6.0 refers).
- 8.3 The proposed development represents a continuation of an existing mineral working with existing associated infrastructure, negating the necessity to search for a new quarry on '*virgin*' greenfield and with a small further extension of the quarry along with the continuation of extraction of the previously permitted reserves.
- 8.4 Other material considerations that must weighed in the '*planning balance*' have been considered in the preceding section of this report such as impacts upon the environment and the amenity enjoyed by the local community in regards to the proposed amendments to the restoration of the site. These, while acknowledged to be impacts arising from the proposed development and understandably of concern to local residents living near the proposed site, are not considered to be significantly material so as to outweigh the economic benefits of the sustainable development and to be so sufficient as to warrant a determination that the application lies in conflict with the '*development plan*' to such a degree as to justify refusal of the application.

### Obligations under the Equality Act 2010

- 8.5 The County Planning Authority in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it;

and foster good relations between people who share a protected characteristic and people who do not share it. It is considered that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with '*protected characteristics*' by virtue that the impacts of the proposal can be mitigated so that they will not have a significant impact on groups with '*protected characteristics*'.

#### Obligations under the Human Rights Act

- 8.6 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 8.7 Having had due regard to the Human Rights Act, the relevant issues arising from the proposed development have been assessed as the potential effects upon those living within the vicinity of the site namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes, and considering the limited interference with those rights is in accordance with the law, necessary and in the public interest.

### **9.0 Recommendation**

9.1 For the following reasons:

- i.) The development is in accordance with Policies SP3, CP1, CP2, CP3, CP4, CP7, CP12 and CP13 of the Richmondshire Local Plan Core Strategy (2014) Minerals and Waste Joint Plan policies M01, M02, M03, M04, M04, M07, M10, D01, D02, D03, D06, D07, D08, D10, D11 and D12 and overall is consistent with the NPPF (2021);
- ii.) The proposal does not conflict with the abovementioned policies as it is considered that the existing highway network is capable of handling the volume of traffic generated by the development, the visual impact of the proposed development can be mitigated through condition, the environmental impacts of the proposed development can be controlled by condition, the impact on neighbouring residential properties can be mitigated and adverse impacts are outweighed when considered against the existing infrastructure, markets and employment at the site along with the final completion of restoration proposals and there are no other material considerations indicating a refusal in the public interest;
- iii.) The imposition of planning conditions will further limit the impact of the development on the environment, residential amenity the transport network and restoration and aftercare; and
- iv.) Having taken into account all the environmental information submitted as part of this planning application included within the Environmental Statement.

That, subject to prior completion of an appropriate S106 deed of variation to secure:

- Local Community Liaison Group;
- Bird Management Plan; and
- Long Term Aftercare Management Plan.

Subject to any comments Members may have, the following be proposed to the Chief Executive Officer for consideration under his emergency powers

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

**Time Limits**

1. The permission hereby granted authorises the extraction of sand and gravel and retention of processing plant only until 31 December 2024. All plant and buildings must be removed from the site and the site must be restored to agriculture and a condition suitable for water based nature conservation and angling purposes within 12 months of the completion of extraction or by 31 December 2025 whichever is sooner.

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

**Access and Protection of Public Highway**

2. No vehicular access to the highway must be gained from that part of the site to the east of Leeming Lane except as may be necessary for the purposes of access by mobile plant at the commencement and cessation of development and for the purposes of approved restoration operations, maintenance of plant and equipment, or in the case of emergency.

*Reason: In the interests of highways safety.*

3. No vehicular access must be gained to the plant site west of Leeming Lane except via the existing access onto Leeming Lane.

*Reason: In the interests of highways safety.*

**Approved Documents**

4. The development hereby permitted must be carried out in accordance with the application details dated 12 December 2017 and the following approved documents and drawings:

<b><u>Ref.</u></b>	<b><u>Date</u></b>	<b><u>Title</u></b>
Ref. P3/1034/1	Nov 2016	Location Context Plan
Ref. 2011_C048_PAL_002	Dec 2020	Location Plan
Ref. P3/1034/2	Nov 2017	Site Plan of Additional Extraction Area
Ref. P3/1034/3	Nov 2017	Detailed Site Plan of Excavation Area – Phase 1-4
Ref. P3/1034/3	Nov 2017	Detailed Site Plan of Excavation Area – Phase 3-4 Restoration
Ref. P1/1413/17	5.12.17	Detailed Restoration Sections
Ref. P3/1034/4	Oct 2017	Site Survey Plan
No Ref.	15.11.17	Appendix 6 – Biodiversity Action Plan
No Ref.	Dec 2017	Volume 2 – Environmental Statement and Technical Appendices
Ref. 001/01	16.12.16	Landscape Character and Designations
Ref. 1002-21282	Not dated	Quarry Site Access
Ref. R17.9827/1/JS	Not dated	Appendix 5 – Noise Appendices
Ref. R17.9828/1/DW Page 1	Not dated	Appendix 6 Air Quality Appendices
No Ref.	Not dated	Appendix 7 - Soil Appendices
Ref. 18-049 Rev 2	20.11.18	Preliminary Ecological Appraisal
No Ref.	Nov 2018	Ecology: Addendum Chapter
No Ref.	Oct 2019	Written Scheme of Investigation for Archaeological Monitoring
Ref. 67411 R1	3.2.2020	Hydrogeological Impact Assessment
No Ref.	4.9.21	200903 Ltr to NorthYorks - Pallethill
Ref. P1/1413/10/6	14.9.2020	Final Restoration Masterplan

No Ref.

15.9.2020

Outline Restoration Masterplan

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

### **Phasing**

5. The mineral extraction hereby permitted must take place only in accordance with the phasing arrangements indicated on Plan No P3/1034/3 and no extraction operations must take place in any phase until minerals within the immediately preceding phase have been worked out.

*Reason: In the interests of amenity and to ensure the effective restoration of lands to agricultural use.*

6. Extraction must only take place using a hydraulic excavator emitting a maximum sound power level of 108 LWA.

*Reason: In the interests of amenity and to prevent pollution.*

### **Soil stripping and Handling**

7. No extraction of mineral must take place unless topsoils and subsoils have previously been stripped and stored in accordance with the details P3/1034/3, Phases 1-4 Restoration, dated November 2017.

*Reason: In the interests of amenity and to prevent pollution.*

8. Not less than 48 hours' notice must be given in writing to the County Planning Authority of the intended commencement of soil stripping in any phase.

*Reason: In the interests of amenity and to prevent pollution.*

9. No soils shall be stripped, moved, placed or removed during the months of November to March inclusive, unless the soils are in a dry and friable condition. During soil stripping, placement and removal, machinery shall be routed so as to avoid compaction of such soils.

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

10. All top-soil, sub-soil and overburden materials shall be stripped separately and either placed directly to final restoration or stored separately in temporary storage mounds in accordance with the submitted application details. All screening mounds and all top-soil and sub-soil storage mounds shall be graded to an even slope, shall be seeded with grass and shall be kept free of weeds until after their removal for use in site restoration. No topsoil or subsoil shall be removed from the site.

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

11. Topsoil storage mounds shall not exceed 3m in height. Subsoil mounds shall not exceed 3m metres in height. The mounds shall be constructed with the minimum amount of compaction. They shall not be traversed by heavy plant or machinery except where essential for purposes of mound construction or maintenance. They shall not subsequently be moved until required for restoration. If continuous mounds are used, dissimilar soils shall be separated by a third material which has been approved in writing by the County Planning Authority.

Reason: To safeguard the character of the site in the interests of visual amenity and to ensure that any soils remain in an acceptable condition.

12. No extraction must take place within the stand-off distance of 45 metres from the bank of the River Swale.

Reason: *In the interests of amenity and to prevent pollution.*

13. The flood protection bunds must be maintained in a tidy and weed free condition, in accordance with the drawing no. P1/1413/6/1 of the previous permission Ref. C1/15/227 for the duration of the permission.

Reason: *In the interests of amenity and to prevent pollution.*

14. The excavation batter to the northern boundary of the extraction area must not exceed a maximum gradient of 1 vertical in 2 horizontal.

Reason: *In the interests of amenity and to prevent pollution.*

#### **Hours of Operation**

15. Except for the maintenance of plant and machinery, no quarrying or associated operations including transport of mineral from the site must take place except between the following times:  
07.00 to 18.00 Monday to Friday;  
07.00 to 13.00 Saturdays;  
13.00 to 18.00 Saturdays (plant maintenance operations only);  
And at no times on Sundays, Bank or Public Holidays.

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

#### **Vehicle Movements**

16. The total number of vehicles carrying waste to the site must not exceed 80 per day (e.g. 40 in 40 out). Records of the number of HGV movements per day shall be maintained and made available to the County Planning Authority on request.

Reason: *In the interest of highway safety.*

17. All vehicles involved in the transport of mineral to and from the site shall be securely sheeted or otherwise enclosed in such a manner as to prevent dust blowing from materials and to ensure no materials may be spilled onto the public highway.

Reason: *In the interests of highway safety to prevent material being spilled onto the public highway and protect the amenities of the area.*

#### **Site Maintenance**

18. For the duration of the development the following maintenance operations must be carried out: -
- i) the maintenance of fences in a stockproof condition between any areas used for development and any adjoining agricultural land;
  - ii) the retention of fences around trees and hedgerows;
  - iii) the clearance of mud and silt from settlement ponds to avoid reducing their capacity for intercepting sediment;
  - iv) the maintenance of all areas, including soil storage and baffle mounds, in a weed free condition.

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

19. No minerals must be imported into the site for processing, stockpiling, merchandising or any other purpose.

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

**Dust Protection**

20. The development hereby approved, must, at all times, proceed in accordance with the dust monitoring measures detailed within Appendix 6.3 of the Environmental Statement (Ref. R17.9828.1.DW, Summary of Dust Control Measures, dated December 2017).

*Reason: To control dust emissions in the interests of protection of amenity.*

**Noise Limitations**

21. The equivalent continuous noise level due to operations at the quarry during day time hours 07.00 to 18.00 Monday to Friday; 07.00 to 13.00 Saturdays; shall not exceed the background noise level (LA90) by more than 10dB(A) at any residential properties St Paulinus Crescent and Bishops Way. Measurements shall be hourly LAeq measurements and be corrected for the effects of extraneous noise. In the event that the noise levels are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps taken to attenuate the noise level to ensure compliance with the specified levels.

*Reason: To control the impact of noise generated by the development in the interests of local amenity*

**Noise Limitation Exception**

22. For site preparation, soil stripping and replacement, bund formation and removal and final restoration operations, the free-field noise level due to work at the nearest point to each noise sensitive property shall not exceed 70 dB LAeq, 1 hour, free field expressed in the same manner as condition no. 20 above. The operations cited in this condition shall not exceed a total of eight weeks in any twelve-month period of work close to any individual noise sensitive property.

*Reason: To control the impact of noise generated by the development while soil stripping in the interests of local amenity.*

**Noise Monitoring**

23. Noise levels at the site must be monitored by the operating Company at three monthly intervals at up to four locations to be agreed in writing with the County Planning Authority. The results shall include Noise monitoring locations which for the avoidance of doubt, should include those in the vicinity of the site; Details of monitoring equipment to be used; A plan identifying the position of all monitoring locations (taking into account the nearest noise sensitive receptors); and Monitoring periods. The results shall be kept during the life of the site and are to be made available to the County Planning Authority on request

*Reason: To ensure that noise impacts associated with the proposed development would be minimised in the interests of local amenity.*

**Exceeded Noise Levels**

24. In the event that any noise levels specified in the scheme submitted and approved under Condition No 20 and/or 21 condition number to be added are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps be taken to attenuate the noise level to be in compliance with Conditions 20 and/or 21.

*Reason:* To control the impact of noise generated by the development in the interests of local amenity.

25. Any pumps used at the site must be inaudible at any noise sensitive property.

*Reason:* In the interests of amenity and to prevent pollution.

**Plant and Vehicle Noise Attenuation**

26. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment and include either non-audible, ambient-related or low-tone reverse warning alarm systems which shall be regularly maintained and employed at all times during permitted operational hours.

*Reason:* To ensure that noise impacts associated with the plant, machinery and vehicles at the site would be minimised in the interests of local amenity.

**Buildings, fixed Plant and Machinery**

27. The existing Pallet Hill Quarry processing plant, permitted under planning permission C1/15/227 dated 25 July 1990, shall be retained solely for the purpose of processing sand and gravel extracted from the site hereby approved.

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

28. The use of the existing Pallet Hill Quarry processing plant and the crusher housing building within the extraction site must be discontinued by 31 December 2024 or upon completion of extraction within the site, whichever is sooner, and the plant must subsequently be removed and the area previously so occupied reinstated to agriculture and woodland in accordance with a restoration scheme submitted to and approved by the County Planning Authority, as required by condition 40.

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

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

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

30. The proposed conveyor must be operated in accordance with drawing number N2770/MBO/4205 with it located between points A and B so that the top surface of the culvert would be no higher than 53.7 metres above ordnance datum.

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

### **Surface Water Drainage and Pollution Control**

31. All disposal of silt and fines and the discharge of water from dewatering operations must be carried out in accordance with the application details.

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

32. Any oil or liquid chemical storage tanks must be located within a bund having a capacity of not less than 110% of the largest tank or the combined tank volume if a number of tanks are interconnected. The floor and walls of the bund must be impervious to water and the stored liquid. Inlet/outlet/vent pipes must be within the bunded area. There must be no uncontrolled discharge from the bunded area and arrangements must be agreed in writing with the County Planning Authority for the disposal of any contaminated water within the bund.

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

### **Landscaping**

33. Landscaping, tree and shrub planting at the site must be carried out in accordance with the details shown on Plan Nos P1/1413/10/6, dated September 2020. Full details of the landscaping and planting to be implemented during the next 12 months' period must be submitted to the County Planning Authority annually in May (or at such other time as may be agreed in writing with the County Planning Authority) for written approval. The annual scheme must include full details of ground preparation, fencing, tree and shrub planting including types, sizes, numbers and species, protection of plants and management and maintenance of existing and new planting. Thereafter all landscaping and planting must take place in accordance with the details of the approved annual scheme.

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

34. The existing perimeter landscape planting defined on Plan No P1/1413/5/1, must be managed and maintained for the duration of the development.

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

### **Archaeology**

35. The development hereby approved, must, at all times, proceed in accordance with the Written Scheme of Investigation for Archaeological Monitoring (no ref, dated October 2019).

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

36. Not less than 10 working days' notice must be given in writing to the County Planning Authority of the date of commencement of archaeological works and the County Planning Authority must be given the opportunity to monitor such works.

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

**Ecology**

37. The development hereby approved, must, at all times, proceed in accordance with the Ecology Mitigation Measures detailed within Section 1.7 of the Ecology Chapter of the Environmental Statement (No ref. Ecology: ADDENDUM CHAPTER, dated November 2018).

*Reason: In the interests of protection of biodiversity of the site.*

**Restoration**

38. The operator must submit to the County Planning Authority on an annual basis a plan summarising the progress of extraction and restoration works indicating the extent of any areas stripped of soils but not yet worked, the location of the working face and the extent of restoration works carried out within earlier phases.

*Reason: In the interests of amenity and to ensure the effective restoration of lands to agricultural use.*

39. The restoration of the site must be completed in accordance with the Final Restoration Masterplan Plan Ref. P1/1413/10/6, dated September 2020. With those parts of the site to be restored to agriculture must be stored in accordance with the detailed requirements of the agricultural restoration conditions set out in schedule 2 attached hereto.

*Reason: In the interests of amenity and to ensure the effective restoration of lands to agricultural use.*

**Plant Site Restoration**

40. Within 12 months of the date of this permission a detailed scheme and programme for the phased restoration of the plant site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include, details of the following:
- a) the sequence and phasing of restoration showing clearly their relationship to the working scheme and surrounding landscape;
  - b) timing, phasing and method of replacement of top and subsoils;
  - c) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;
  - d) the machinery to be used in soil re-spreading operations;
  - e) the final levels of the restored land;
  - f) drainage of the restored land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage;
  - g) the reinstatement of the plant site by clearing plant, buildings, machinery and concrete or brickwork, deep cultivation in both directions to remove rocks and other obstructions, replacing of subsoil and then topsoil previously stripped from the sites;
  - h) seeding of restored areas with a suitable herbage mixture;
  - j) a timetable for implementation.

Thereafter restoration of the plant site shall be carried out in accordance with the approved scheme and programme.

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

**Aftercare**

41. The development hereby approved, must, at all times, proceed in accordance with the Aftercare Scheme approved 28 June 1996 (Ref. No ref. Outline Agricultural Five Year Aftercare Scheme, dated May 1996) and the Outline Management Plan (dated September 2020). Upon completion of restoration within each phase a programme of aftercare must be implemented in accordance with the approved details and in accordance with the detailed requirements of the agricultural aftercare conditions set out in Schedule 3 attached hereto.

*Reason: In the interests of amenity and to ensure the effective restoration of lands to agricultural use.*

**Miscellaneous**

42. From the commencement of development to its completion, a copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with this permission, must always be available in the site offices.

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

43. In the event that erosion takes place along the bank of the River Swale immediately adjoining the northern boundary of the site such that remedial measures are necessary to ensure that the river does not breach its banks and enter the site then such measures as are necessary to safeguard the banks must be undertaken. Details of all bank repair or reinforcement works must be submitted to and agreed in writing by the county planning authority before they take place.

*Reason: In the interests of amenity and to ensure the effective restoration of lands to agricultural use.*

**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 too 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.*

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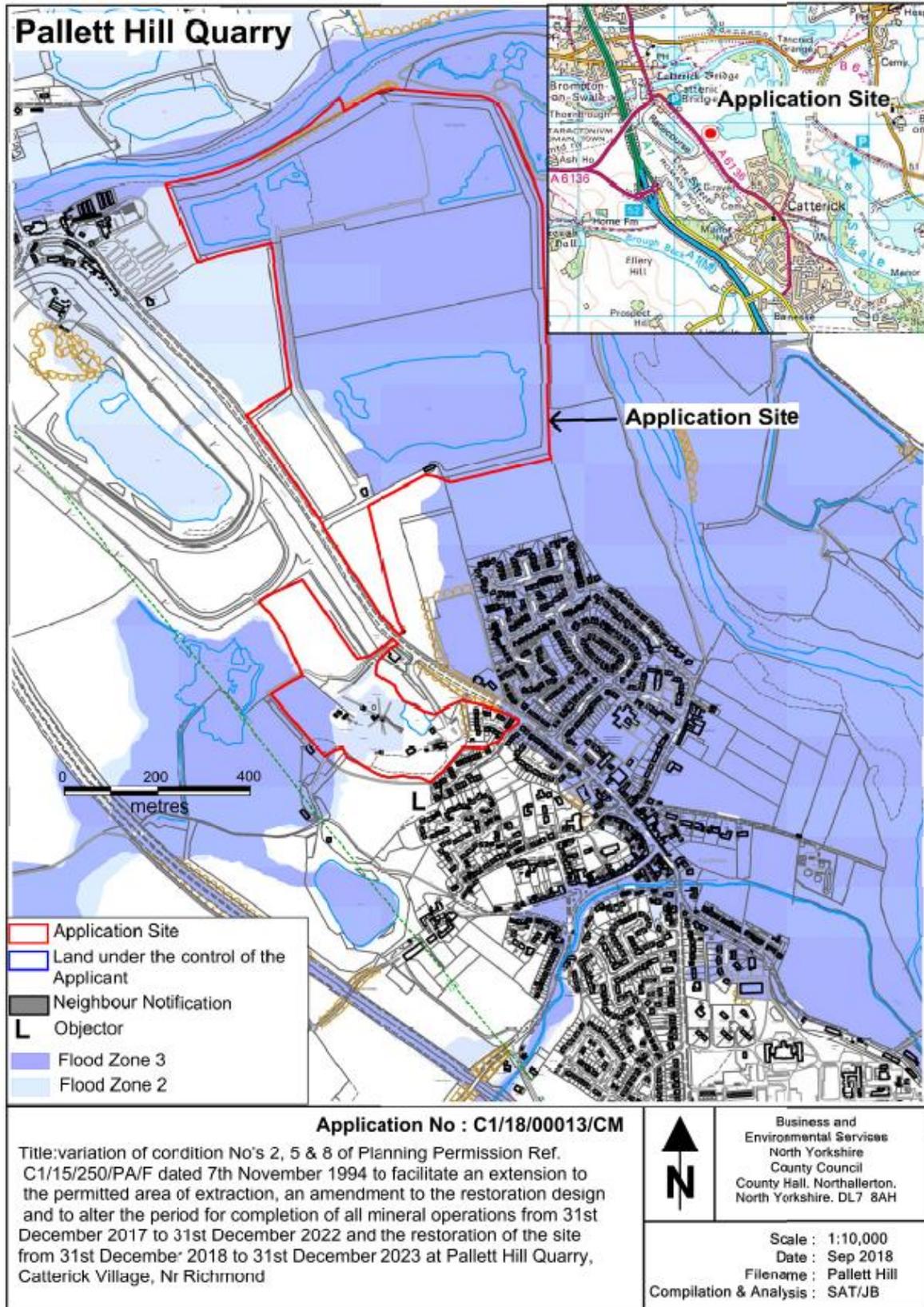
Corporate Director, Business and Environmental Services  
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: Ref. C1/18/00013/CM (NY/2017/0326/ENV) registered as valid on 20 December 2017. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

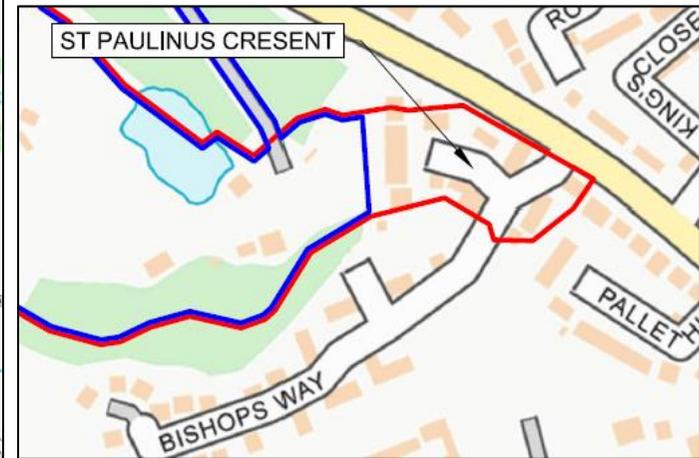
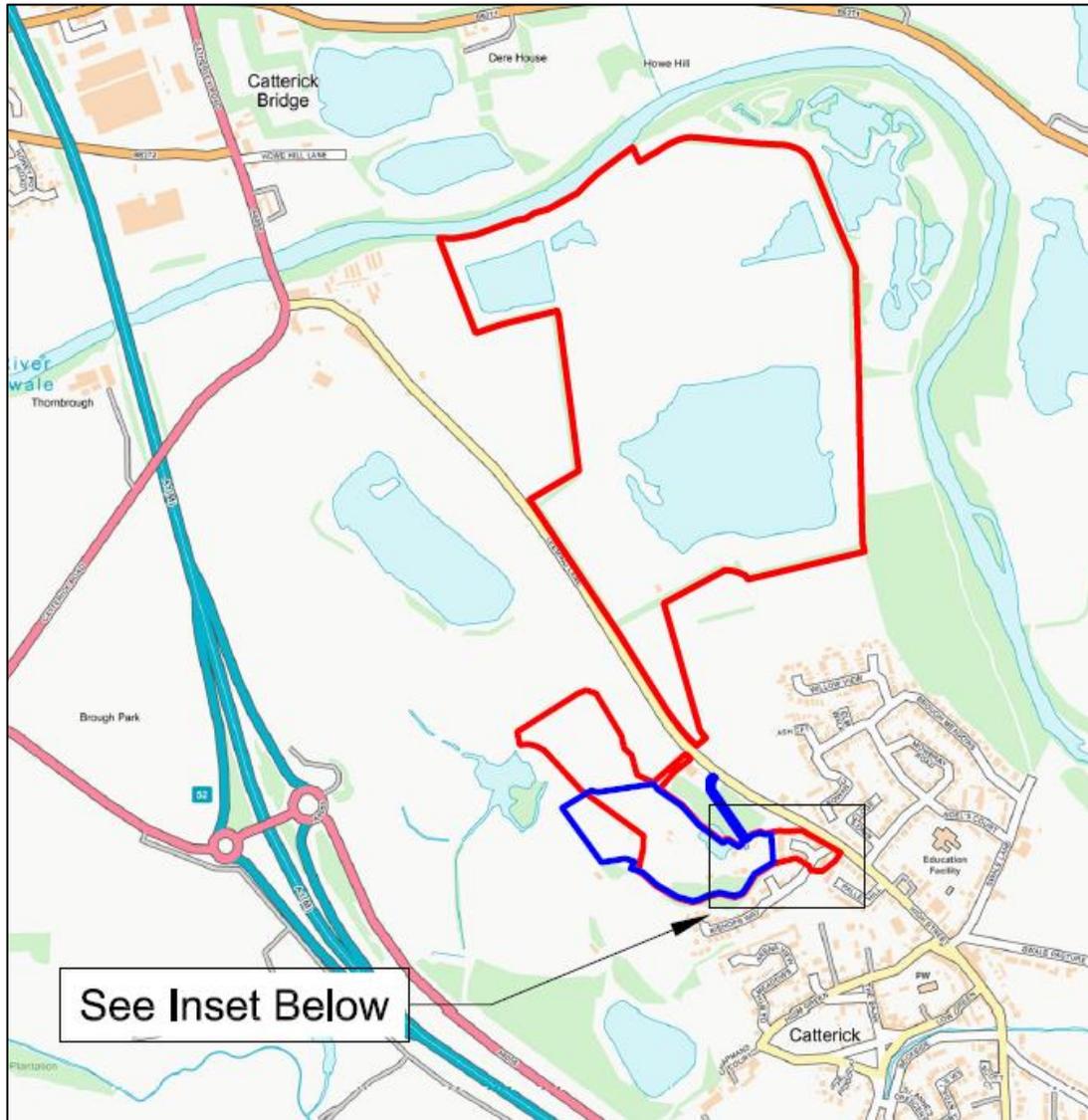
Author of report: Sam Till

Appendix A – Committee Plan



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Appendix B – Location Plan



Appendix C – Bridge Farm Site Area



Appendix D – New Extraction Area

