

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

26 JULY 2022

**C3/18/00967/CPO - PLANNING APPLICATION FOR THE PURPOSES OF THE
RETROSPECTIVE APPLICATION FOR A 2.4 HECTARE EXTENSION TO AN INERT AND
DEMOLITION RECYCLING AREA ON LAND AT WHITEWALL QUARRY, WELHAM
ROAD, NORTON ON DERWENT, NORTH YORKSHIRE, YO17 9EH
ON BEHALF OF W CLIFFORD WATTS LIMITED
(RYEDALE DISTRICT) (NORTON ELECTORAL DIVISION)**

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application which seeks retrospective permission for a 2.4 hectare extension to an inert and demolition waste recycling area on land at Whitewall Quarry, Welham Road, Norton-on-Derwent on behalf of W Clifford Watts Limited.
- 1.2 This application is subject to thirty two representations (including three from the Norton Action Group) objecting to the application and a recommendation from Norton-on-Derwent Town Council that the application be refused. The objections and the recommendation are raised on the grounds of traffic, risk of pollution and associated impacts upon residential amenity, availability of alternative locations, scepticism on the part of residents that the operator will comply with any conditions and sustainability. The planning application is therefore reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Whitewall Quarry is a long established active quarry (sourcing Jurassic Limestone) located to the south of Norton-upon-Derwent adjacent to the Norton – Stamford Bridge Road in undulating open agricultural land and extending over an area of approximately 11.5ha. The current owner has operated the quarry since 1956, although quarrying was taking place before this on land to the north of the existing operations. The quarry has, and continues, to be worked in a north - south direction. Access to the quarry is taken out of the northern end of the quarry onto Welham Road; the road at this point has an uphill gradient north to south levelling out at the quarry access and beyond the quarry, with a speed limit of 60mph and is known as Whitewall Corner Hill.
- 2.2 The quarry is actively producing stone and hosts ancillary operations in the form of a concrete batching plant, maintenance building and an inert waste recycling plant; all of which are located in the northern worked out area of the quarry at a lower level than the adjoining Welham Road/Whitewall Corner Hill. The existing quarry area covers approximately 11.5 hectares.
- 2.3 The quarry is bounded to the west by Welham Road/Whitewall Corner Hill. Alongside the road from the southern boundary to the quarry to the access is a well-established hedge/planting area partly within the quarry boundary, which screens the quarry from

the road. To the north of the access running along the northern boundary of the quarry and adjacent to Whitewall Corner Hill is a new hedge which helps screen the concrete batching plant, the building and recycling operations when seen from the road. A well-established hedge continues adjacent to the road running north to Malton. To the west of Welham Road/Whitewall Corner Hill is open agricultural land. Agricultural land is similarly found to the south and east of the quarry. Within the northern boundary of the quarry is a landscaped bund, constructed as part of a planning permission in 1982 to extend the quarry to the south, to screen the extended workings from houses at Whitewall Corner. Between the quarry and houses is a combination of agricultural land and paddock. The nearest residential properties are approximately 600m to the north of the quarry fronting Whitewall Corner, and the cross roads with Welham Hall and Welham Road. There are a number of buildings to the south of these properties and north of the quarry associated with Whitewall Stables.

Constraints affecting the application site

- 2.4 The site lies on a principal aquifer but lies outside of any Source Protection Zones for potable water supply. Areas of either Flood Zones 2 or 3 lie more than half a kilometre away.
- 2.5 The quarry falls within an area of agricultural land identified as being Grade 3. The application site falls within the base of the quarry and therefore would not result in any additional loss of agricultural land.
- 2.6 The quarry and surrounding land falls within the northern boundary of the Wolds Area of High Landscape Value identified on the Policy Map to Ryedale Local Plan.
- 2.7 Bridleway 25.70/14/1 takes a route aligned east/west along '*Whitewall/Bazeley's Lane*' linking up with *Langton Road*. Bridleway 25.55/1/1 has a north-south alignment off Bazeley's Lane to the south of '*Spring Cottage Stables*' (500ms east of the eastern boundary of the quarry).
- 2.8 Whilst there are no footpaths in the immediate vicinity of the quarry, public footpath 25.70/15/1 runs north/south along a short stretch adjacent to '*Spring Cottage Stables*'.
- 2.9 Whitewall Corner Hill road shares a route, which is also taken by *Route No. 166* of the *SusTrans National Cycle Route*; which forms part of the circular *Yorkshire Wolds Cycle Route*. The route from *Menethorpe Lane* passes the quarry parallel to the western boundary, heads northwards down *Whitewall Corner Hill* before crossing eastwards at the southern end of *Welham Road* to link to '*Whitewall/ Bazeley's Lane*'.
- 2.10 The quarry falls within one of the notified *Impact Risk Zones (IRZ)* to the *River Derwent Site of Special Scientific Interest (SSSI)* lies) and *Three Dykes SSSI/ IRZ*. Within these IRZs, proposals relating to a number of specified types of development, including the extraction of minerals and industrial processes, require notification of Natural England.
- 2.11 *Bazeley's Lane Site of Importance for Nature Conservation (SINC)* lies 223 metres from the application site boundary and *Welham Hill Verges SINC* running along the site's western boundary.
- 2.12 '*Whitewall House and attached outbuilding*' and *Whitewall Cottages & attached stable building* are Grade II Listed the closest part of which is situated approximately 250ms to the north of the north boundary to the quarry.
- 2.13 The nearest residential properties are those properties at the foot of *Whitewall Corner Hill* on *Welham Road* (no.'s 185 & 187 *Welham Road*) and also the row of properties on '*Whitewall*' to the north of the quarry; along which are the aforementioned Grade II

listed buildings. *Welham Wold Farm* lies approximately 630m to the south-west and the nearest property to the east is '*Furze Hill*' at a distance of approximately 720m. *Spring Cottage Residential Home* and '*Spring Cottage Stables*' lie off Langton Road some 800m to the north-east beyond the elevated position (60AOD) of *Scott's Hill*.

- 2.13 Plans showing the location of the application site, an aerial view of the area and a site layout of the proposal, are attached to this report at Appendix A.

Relevant Planning History

- 2.14 Whitewall Quarry has been worked since before the introduction of planning legislation in 1947. It has since has a long planning history the most relevant of which are listed as follows:

- NY/2007/0247/CPO - C3/07/00937/CPO - Extension of existing quarry. Granted 16 December 2008 with a time limit until November 2023. Implemented.
- MIN4025 - C3/05/00443/CPO - Extension of time limit for extraction of limestone and subsequent reinstatement. Granted 27 June 2005 with a time limit until December 2013. Implemented.
- MIN3142 - C3/01/00260/CPO - Extension of existing quarry for the extraction of limestone and use of part of the site for recycling operations. Granted 27 March 2002 with a time limit until December 2007. Implemented.
- MIN0957 – C3/96/41D/FA - Extension of existing quarry for the extraction of limestone, retention of existing weighbridge office, workshop and mess room with site restoration on completion. Granted 26 September 1995. Implemented.
- MIN0962 – Use of land as an extension to the existing quarry and the reclamation and landscaping of existing quarry. Granted 19 August 1992. Implemented.
- MIN0956 – H249 - In fields O.S. No. 167 & No. 189 on the east side of Welham Road for the extension of an existing limestone quarry and the construction of a means of vehicular access. Granted 12 December 1964. Implemented.
- MIN4047 - Extension of existing quarry. Granted 1947. Implemented.

- 2.15 It is the 2002 permission for the purposes of '*the extension of the existing quarry for the extraction of limestone and the use of part of the site for recycling operations*' which is of particular note for the purposes of the current application (MIN3142 - C3/01/00260/CPO). The permission has been implemented and the recycling operations commenced in 2005. The recycling area is located centrally within the quarry floor adjacent to the existing quarry weighbridge. The applicant imports inert waste material into this area such as subsoil, topsoil, brick, and rubble, which is brought to site on a '*back-haul*' basis i.e. sustainably ensuring a return trip of vehicles is used for the transport of materials after the first or primary materials have been delivered. The material is stored in stockpiles until volumes warrant processing of the material using mobile screening equipment. The recycling operations provide soil material for site restoration and recycled aggregates. The success of the recycling operations has resulted in their extension into the area of the current application.

- 2.16 Planning permission for the quarrying and recycling operations extends to November 2023 after which all operations must cease and the quarry be restored including the benching of remaining quarry faces with seeding and tree planting to enhance nature conservation interests with soils from the recycling operations contributing to the restoration.

3.0 The proposal

- 3.1 This application seeks retrospective planning permission to regularise the use of land for a 2.4 hectare extension to an inert and demolition waste recycling area on land within Whitewall Quarry on Welham Road at Norton-on-Derwent. This application is not seeking a renewal of the earlier referred 2002 consent. It is seeking a temporary planning permission restricted to the permitted life of the quarry, for the continuation of recycling operations of construction, demolition and excavation waste to recover

aggregates, soils and soil-making materials within the base of the existing quarry and also for the temporary stockpiling (up to 8 metres in height) of inert waste incorporating the area previously granted planning permission for recycling of inert and demolition materials. Any waste inappropriate for recycling is proposed to be set-aside/quarantined and disposed of off-site at a licensed facility. While mobile screens and crushers are proposed to be used, this would be on a campaign basis and no fixed plant is therefore proposed.

- 3.2 It is proposed to operate the recycling facility between 0630 and 1700 Mondays to Fridays and 0630 to 1200 on Saturdays with no working proposed on Sundays or Bank Holidays.
- 3.3 There would be no increase in the throughput of the facility, which has a maximum Environmental Permit limit of 25,000 tonnes per annum (tpa) throughput and currently averages 18,000 tpa (as licensed by the Environment Agency). The proposed extension area is proposed to accommodate segregated recycled materials.
- 3.4 Vehicle movements are anticipated to reflect current movements of between 3 to 4 vehicles per day importing materials sourced “from local construction projects in Malton and Norton and exporting recycled materials with an anticipated average of 5.2 vehicle movements per day; although this may be variable depending on demand and supply. Vehicles would access Whitewall Quarry via the existing access to Welham Road / Whitewall Corner Hill. The access road within the quarry is hard surfaced up to the weighbridge”.
- 3.5 The applicant has submitted a ‘*Transport Note*’ in support of the application (dated December 2018) which undertakes a road casualty appraisal and assessment of traffic impacts on the public highway. The ‘*Note*’ concludes there are no road safety issues pertinent to the site and vehicular movements would not have an unacceptable impact on the local transport network.
- 3.6 The applicant does not propose any changes to the current established methods of recycling and anticipates that any potential for adverse effects upon either environmental or residential amenity would continue to be controlled by either conditions that may already have been or could be imposed by the Planning Authority or the Environment Agency under the environmental permitting regime.
- 3.7 The recycling operations would cease and the site restored in accordance with the [approved restoration scheme](#) under the provisions of the 2008 planning permission (C3/07/00937/CPO, dated 16th December 2008).

4.0 Consultations

- 4.1 The following bodies have been consulted on the application and supporting documents as submitted (4 September 2018). There have been no changes to the application or operations on the site since the application was submitted necessitating any further consultation. The responses received are summarised as follows:
- 4.2 **Ryedale District Council (Planning & Environmental Health):** responded [25th September 2018](#) - No objection - the County Planning Authority should be satisfied that the operation does not inhibit the availability of sufficient quantities of suitable material to ensure timely, progressive restoration of the quarry. Ryedale Environmental Health has considered the impact in relation to noise and dust and have no comments.
- 4.3 **Norton-on-Derwent Town Council:** responded [18th September 2018](#) - Recommended refusal on the following grounds:

(i) Members expressed great concern that this had been allowed to happen in the first place and there would appear to be a total lack of enforcement as regards planning or conditions on planning.

(ii) The quarry site would appear to be turning into a heavy-duty industrial based business, which in the opinion of this council is far removed from its original use, and should be located on a properly designated industrial estate away from residential properties.

(iii) Traffic congestion generated from the quarry has increased considerably of late throughout the town and is a major problem which is not helped when all traffic entering or leaving the quarry has to travel either through a largely residential area or use totally unsuitable rural roads.

Members expressed their hope that once the quarrying permission expires all other uses on this site are curtailed and removed to a more suitable location.

- 4.4 **Natural England:** responded [19th September 2018](#) – No objection - *the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes... [and would neither have] likely significant effects on the River Derwent SAC [nor would] damage or destroy the interest features for which the site [the River Derwent SSSI] has been notified*. To meet the requirements of the Habitats Regulations, Natural England advise that any decision should record a likely significant effect can be ruled out.
- 4.5 **Environment Agency:** responded [24th September 2018](#) - No objection. *The site currently operates under a Fixed Condition Licence, ref: EAWML 100381, for an Inert and Excavation Waste Transfer Station with Treatment. This allows an annual throughput of up to 25000 tonnes of specified wastes. Any increase in the operational permitted area and or increase in the annual throughput of waste will require either a variation to the existing permit or the application and issue of a new permit. The site lies on a principal aquifer but is outside of any Source Protection Zones for potable water supply. Risks to groundwater and surface water (controlled waters) from the proposed activities will be assessed and managed through the environmental permit. It will be necessary for the applicant to demonstrate that satisfactory measures will be put in place to protect controlled waters.*
- 4.6 **NYCC Ecology:** responded [13th September 2018](#) - advised the application would have no negative impacts upon ecological features on or surrounding the site.
- 4.7 **NYCC Archaeology:** responded [18th September 2018](#) – No objection.
- 4.8 **Highway Authority:** responded [20th September 2018](#) – seeking further information on road safety issues. Following receipt of the applicants Traffic Note, responded [17th December 2018](#) – advised *‘there appears not to be any existing road safety issues near to the quarry or which involves HGVs operated at the Quarry [and] the increase in vehicles leaving the site cannot be considered severe [adding that they] would generally agree with the conclusions of the report*. A further response received [11th March 2019](#) acknowledged the restriction under EA Permit to 25,000 tonnes per annum
- 4.9 **NYCC Landscape:** The proposed development is located within the existing quarry site and the same operational timescale. No Landscape comment or objection.

Notifications

- 4.10 **County Cllr. Keane Duncan** response dated [14th October 2018](#) is summarised as follows:

Traffic

Quantifiable evidence needed to support statements made that *"the proposal will not change the traffic impact significantly"* and *"highway network and site access can satisfactorily accommodate the traffic generated"* and posed questions relating to vehicle movements.

Economy

Quantifiable evidence needed to support statements made that *"waste is sourced mainly from local construction projects in Malton and Norton"* and that recycling on the site would likely cease if the application is rejected and local material would be forced to travel further afield.

Environmental amenity

Clarification and assurance from the Environment Agency should be sought *"that any restrictions under the current permit (if they are to be relied upon in granting planning permission) would be maintained in any permit variation or renewal if planning permission is granted"*.

Enforcement

"Watts admits it has tipped beyond the permitted area for "at least 10 years". Although I understand a breach of planning control is not a material planning consideration, I note with serious concern this decade-long breach of planning permission as expressed by Norton Town Council and Norton Action Group".

5.0 Advertisement and representations

- 5.1 The application was advertised by a *Site Notice* posted on 18th September 2018 and subsequently on 27th September 2019 following the submission of details clarifying the nature of the proposed recycling operations. The application was also advertised in the *Malton & Pickering Mercury* on 25th September 2019.
- 5.2 The following properties considered to be mostly likely affected by the proposal were notified by letter dated 5th September 2018:
- No.s 4, 8,12,16,18, 20, 22, 24, 26, 28 & 30 Whitewall, Norton Malton YO17 9EH
 - No.s 185 & 187 Welham Road, Norton Malton YO17 9DU
- 5.3 Thirty two letters of representation have been received objecting to the proposal; two letters from the same individual, 26 individually signed template letters and three letters from Norton Action Group. The primary reasons for objecting to the proposal are summarised as follows:
- traffic:
 - potential increase in vehicle movements and associated impacts of HGV movements and from those traveling north through Morton and Malton;
 - a Transport Assessment / Transport Statement should be required including all movements associated with the site;
 - it would be impossible to differentiate vehicles operating within the quarry and those operating from the recycling operations.
 - There has been an unacceptable increase in vehicle movements associated with the concrete batching and precast concrete manufacturing plants in the quarry.
 - risk of pollution and associated impacts upon residential amenity:
 - potential adverse impact upon residential amenity through associated noise for which there should be a Noise Impact Assessment undertaken;
 - changed operating times: earlier start, later finish;
 - materials should be stored on hardstanding or an impermeable surface with sealable drainage;
 - measures to mitigate against the effects of fugitive dust should be included;
 - the proposal would be better located in Kirby Misperton which has better access to the A64 without having to go through Malton and / or Norton;
 - scepticism on the part of residents that the operator will comply with any conditions;

- sustainability:
 - should demonstrate the sources for the incoming and outgoing waste materials are well located.
- The extension area would accommodate an increase in total tonnage permitted by the Environmental Permit.
- Policy - the application conflicts with the Ryedale Local Plan policies SP6/7/8/10/13/14/16/17/18 and 20.

- 5.4 Two letters have been received from an individual supporting the proposal for the following summarised reasons:
- economic benefit to the area.
 - retention of jobs and a business within the local community.

6.0 Planning policy and guidance

The Development Plan

- 6.1 [Section 38\(6\)](#) of the [Planning and Compulsory Purchase Act 2004](#) requires authorities to determine applications in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. Furthermore, **Paragraph 11** of the [National Planning Policy Framework](#) (2021) (and supported by the periodically updated national [Planning Practice Guidance](#) online resource) directs, at **part c**), the approval without delay proposals that accord with the *development plan* and, at **part d**), when the *development plan* is absent, silent or relevant policies are out-of-date, permission should be granted unless:
- i.) the application of policies in [the NPPF] that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii.) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole’.*
- 6.2 In this instance, the *Development Plan* consists of extant policies contained within:
- the [Minerals & Waste Joint Plan](#) (adopted February 2022); and,
 - the [Ryedale Plan-Local Plan Strategy](#) (2013).
- 6.3 While **NPPF Paragraph 48** directs weight afforded to policies of particular plans is to be dependent upon:
- *the stage of preparation of the plan (the more advanced its preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - *the degree of consistency of the relevant policies in the emerging plan to [the NPPF] (the closer the policies in the emerging plan to the policies [in the NPPF], the greater the weight that may be given).*

Both of the afore-mentioned documents that form the *development plan* post-date the publication of the NPPF and therefore prepared in the context of published national policy.

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

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

Strategic Policies for Waste:

- **MWJP Policy W01** – *Moving waste up the waste hierarchy;*
- **MWJP Policy W02** - *Strategic role of the Plan area in the management of waste*

- **MWJP Policy W05** - Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste)
- **MWJP Policy W10** – Overall locational principles for provision of waste management capacity
- **MWJP Policy W11** – Waste site identification principles

Development Management Policies:

- **MWJP Policy D01** Presumption in favour of sustainable minerals and waste development;
- **MWJP Policy D02** Local amenity and cumulative impacts;
- **MWJP Policy D03** Transport of minerals and waste and associated traffic impacts;
- **MWJP Policy D06** Landscape
- **MWJP Policy D07** Biodiversity and geodiversity
- **MWJP Policy D08** Historic Environment
- **MWJP Policy D09** Water environment
- **MWJP Policy D10** Reclamation and afteruse
- **MWJP Policy D11** Climate change
- **MWJP Policy D14** Air Quality

- 6.5 **MWJP Policy W01** urges the movement of waste up the hierarchy; especially where waste can be minimised, re-used, recycled, composted or treated where energy can be recovered. Wastes that cannot be managed in these ways would remain to be landfilled, subject to a number of controlling provisions.
- 6.6 **MWJP Policy W02** identifies sites to which policy support is to be provided such as to achieve net self-sufficiency in capacity at a level equivalent to expected arisings in the Plan area, by 31 December 2030
- 6.7 **MWJP Policy W05** seeks to secure the means of managing construction, demolition and excavation waste (CD&E) within the Plan area and, in addition to establishing the criteria against which to assess proposals coming forward in Part 1, it identifies in Part 2 sites that could assist in contributing to narrowing the identified gap in the Plan area's CD&E management capacity. The Policy identifies Whitewall Quarry as a site to which support for the management of CD&E waste will be supported. Proposals for development of the allocated sites for recycling or landfill are required to take account of the key sensitivities and incorporate necessary mitigation measures.

Site Allocation MJP13 – Whitewall Quarry - Expansion to area used for recycling of construction, demolition and soil waste for secondary aggregates within existing quarry void.

Key sensitivities for allocated sites:

- Ecological issues, including impacts on: River Derwent SAC, potential habitats;
- Heritage asset issues as identified by Historic England, including: proximity to and impact on Scheduled Monuments (The Three Dykes and the barrow at West Wold Farm, Langton Conservation Area, Listed Buildings (Whitewall House and Whitewall Cottages and stable and buildings in Langton and their settings);
- Landscape impact if retained in long-term;
- Water issues, including: hydrology, flood risk (Zone 1) and surface water drainage;
- Traffic impact, including: access, HGV use of local roads, the Yorkshire Wolds Way cycle route, Malton and Norton and the economy;
- Amenity issues, including: noise, dust and cumulative impact in relation to residential amenity and the proximity of the adjacent stable.

Key identified necessary mitigation measures:

- *Mitigation of ecological issues, including impact on designated sites (such as the River Derwent SAC and Welham Hill verges SINIC), protected species and habitats*
- *Appropriate site design and landscaping of site to mitigate potential impacts on heritage assets as identified by Historic England (archaeological remains, Scheduled Monuments at The Three Dykes and West Wold Farm, Langton Conservation Area, Listed Buildings including Whitewall House, Whitewall Cottages & associated stable) and their respective settings including appropriate archaeological investigation and mitigation.*
- *Mitigation to minimise the irreversible loss of best and most versatile agricultural land and to protect high quality soil resources*
- *A suitable flood risk assessment, which to be satisfactory will need to include any necessary mitigation such as compensatory storage, attenuation and SuDS as appropriate and mitigation of any impacts groundwater quality and groundwater supplies*
- *An appropriate transport assessment to ensure suitable arrangements for access onto Whitewall Corner Hill road and on local roads, including an appropriate traffic management plan that reflects the volume of traffic using the site in connection with the development and other activities taking place within the quarry site.*
- *Mitigation of impact on right of way users and other recreation activities in the vicinity including the route of the Yorkshire Wolds cycle route*
- *Appropriate arrangements for assessment, control of and mitigation of effects such as ancillary development noise, and dust and including a cumulative impact assessment which demonstrates the relationship of any proposed development on the allocated site with existing operations; the potential for consolidated mitigation of the operation and control at the quarry and ancillary infrastructure and the measures to ensure adequate protection against potential impacts on residential amenity and use of stables; monitoring and reporting as appropriate, of potential impacts of the recycling operation to the MPA.*
- *Appropriate restoration scheme using opportunities for habitat creation and which relates to the whole of the quarry area.*

The explanatory text supporting the policy explains that the “*Waste Arisings and Capacity Assessment (2016) (updated March 2017) identifies an expected capacity gap for recycling under all scenarios considered, up to a maximum of approximately 437,000 tonnes per annum in the highest case scenario, based on available capacity for managing CD&E waste only. Recycling of CD&E waste tends to be more economically viable at localised facilities due to the costs of transporting lower value, higher density wastes.*”

- 6.8 **MWJP Policy W10** sets out the principles the allocation of sites and determination of planning applications should be consistent with. These include: 2) *Maximising the potential of the existing facility network by supporting the continuation of activity at existing time limited sites with permission, the grant of permission for additional capacity and/or appropriate additional or alternative waste uses within the footprint of existing sites and, the extension to the footprint of existing sites.*
- 6.9 **MWJP Policy W11** sets out the principles which the allocation and determination of planning applications should be consistent with including the need to site recycling facilities at or adjacent to existing waste management sites.
- 6.10 **MWJP Policy D01** supports proposals that accord with the policies of the development plan to secure development that improves the economic, social and environmental conditions in the area.
- 6.11 **MWJP Policy D02** steers proposals toward sites where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space with proposals expected, as a first priority, to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable (**Part 1**) and, within **Part 2**, encouragement is given to conducting early and meaningful engagement with local

communities and to reflect the outcome of those discussions in the design of proposals as far as practicable.

- 6.12 **MWJP Policy D03** seeks to ensure, where road haulage is proposed, that there is appropriate infrastructure capacity to accommodate such traffic and would avoid giving rise to unacceptable impacts as well as any impacts being capable of being mitigated by means of access improvements and routing agreements etc.
- 6.13 **MWJP Policy D06** requires in **Part 1)** the protection of all landscapes from the harmful effects of development and lends support to proposals where, *'it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures'*
- 6.14 **MWJP Policy D07** requires proposals to demonstrate that there would be no unacceptable impacts on biodiversity, including on statutory and non-statutory designated or protected sites and features and that a very high level of protection will be afforded to sites designated at an international level, including SPAs and SACs with development which would have an unacceptable impact on these sites not being permitted (**Parts 1) and 2)**)
- 6.15 **MWJP Policy D08** lends support to those proposals that are able to conserve and, where practicable, enhance those elements which contribute to the significance of the area's heritage assets (both built and archaeological) including their setting
- 6.16 **MWJP Policy D09** lends support to proposals in its **part 1)** where: *'it can be demonstrated that no unacceptable impacts will arise, taking into account any proposed mitigation, on surface or groundwater quality and/or surface or groundwater supplies and flows'*
- 6.17 **MWJP Policy D10** seeks to ensure that restoration and after-uses, in **part 1)** of the policy, depending upon both location and scale, are carried out to a high standard including having public engagement in the process (*criteria i)*), having due cognisance of the site's surroundings and interactions with adjacent land uses (*criteria ii)*), resulting in overall positive benefits (*criteria iii)*), being climate change-aware (*criteria iv)*), sustainable (*criteria v)*), and being carried out at the earliest opportunity (*criteria vi)*) as well as providing for management in the longer-term (*criteria vii)*).
- 6.18 **MWJP Policy D11** requires developers to explain how climate change has been taken into account.
- 6.19 **MWJP Policy D14** seeks to ensure against any unacceptable impacts on the intrinsic quality of air.

Ryedale Plan – Local Plan Strategy (2012-2027)

- 6.20 The Ryedale Plan – Local Plan Strategy states that *'The purpose of the Ryedale Plan is to encourage new development and to manage future growth whilst ensuring that change across the District is based on a presumption in favour of sustainable development.'* It includes vision and objectives for how the District will be shaped by setting out a number of broad strategic policies to guide and promote development.
- 6.21 Whilst this policy document contains no policies directly relating to planning decisions in respect of minerals and waste development, which are *'county matters'* under the provisions of [Schedule 1](#) of the *Town and Country Planning Act 1990* (as amended), it nevertheless forms an integral part of the relevant *'Development Plan'* against which the applications under consideration must be assessed.

6.22 The policies considered most relevant to the assessment of this application are:

- Policy SP6** Delivery and distribution of employment/industrial land and premises;
- Policy SP12** Heritage
- Policy SP13** Landscapes;
- Policy SP14** Biodiversity;
- Policy SP16** Design;
- Policy SP17** Managing air quality, land and water resources;
- Policy SP19** Presumption in Favour of Sustainable Development;
- Policy SP20** Generic development management issues’.

6.23 Policy SP6 – supports major industrial processes involving the extraction, utilisation, working or harnessing of natural materials or land assets where:

- *they are required in that location and no other suitable sites are available in the locality;*
- *they can be satisfactorily accommodated on the highway network and will not lead to significant adverse highway impacts;*
- *they do not adversely affect the amenity of neighbouring occupants of the site in line with Policy SP20;*
- *they can be satisfactorily accommodated in the surrounding landscape in line with Policies SP13 and SP16;*
- *the economic benefits to the District outweigh any adverse impacts.*

The reasoned justification to this Policy, in respect of new major industrial uses in the open countryside, explains they “*can be sensitive in terms of landscape impact, visual impact and the amenity of neighbouring occupants. It is essential that these proposals, where they are required, take into account these potential impacts. Where possible, the most suitable site for this use should be considered which results in the lowest overall impact and the greatest economic benefit*”.

Policy SP6 is consistent with paragraph 81 and 85 of the NPPF, which support the building of a strong, competitive economy and supporting a rural economy. Therefore, weight can be given to this policy in the determination of this planning application.

6.24 **Policy SP12** seeks to protect, conserve and enhance the historic environment and assets and resist development proposals that would result in harm or loss of historic assets (including listed buildings) unless exceptional circumstances can be demonstrated. Policy SP12 is consistent with the NPPF, paragraphs 189 – 208) and therefore weight can be attached to it.

6.25 **Policy SP13** seeks to protect diverse landscapes including areas falling within National Landscape Designations and Locally Valued Landscapes and requires development proposals to contribute to the protection and enhancement of distinctive elements of landscape character. The quarry falls within the Yorkshire Wolds Area of High Landscape Value, an area of significant historic landscape value sensitive to change. Policy SP13 is considered consistent with paragraph 170 of the NPPF, which deals with protecting and enhancing landscapes, and therefore weight can be given to this policy in the determination of this planning application.

6.26 **Policy SP14** seeks to protect, secure conservation, investment, restoration and enhancement of biodiversity, particularly in Areas of High Landscape Value including West Wolds.

Proposals for development, which would result in loss or significant harm to:

- *habitats or species included in the Ryedale Biodiversity Action Plan, priority species and habitat in the UK Biodiversity Action Plan;*
- *Local Sites of Nature Conservation Importance or Sites of Geodiversity importance;*
- *other types of Ancient Woodland and Ancient/Veteran Trees*

will only be permitted where it can be demonstrated that there is a need for the development in that location and that the benefit of the development outweighs the loss and harm. Where loss and harm cannot be prevented or adequately mitigated, compensation for the loss/harm will be sought. Applications for planning permission will be refused where significant harm cannot be prevented, adequately mitigated against or compensated for.

Loss or harm to other nature conservation features should be avoided or mitigated. Compensation will be sought for the loss or damage to other nature conservation features which would result from the development proposed.

- 6.27 **Policy SP16** requires development proposals to create high quality, durable places that are accessible and be well integrated with their surroundings and which;
- *Reinforce local distinctiveness;*
 - *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated; and*
 - *Protect amenity and promote well-being.*

Additionally, the policy seeks to ensure that the scale, layout, location and siting of proposed development respects the context of its surroundings. The Policy is considered consistent with NPPF and PPG principles in relation to design and therefore weight can be given to this policy in the determination of this planning application.

- 6.28 **Policy SP17** supports development proposals if the individual or cumulative impact on air quality is acceptable and appropriate mitigation measures are secured; demonstrate that development will not exacerbate existing problems on the wider drainage system; take full account of the flood risk vulnerability; demonstrate how they will minimise water consumption” the that *“impacts on water quality and propose mitigation measures to reduce the risk of pollution and a deterioration of water quality”* must be assessed.

The Policy seeks to protect surface and ground water resources and lists the types of development for which planning permission will not be forthcoming either within or adjacent to a notified *Source Protection Zone 1 (SPZ1) “unless adequate safeguards against possible contamination can be agreed”*. Further safeguards are expected within SPZs 2 & 3. The Policy is considered consistent with NPPF and PPG principles in relation to climate change and pollution and therefore weight can be given to this policy in the determination of this planning application

- 6.29 **Policy SP19** seeks to ensure that development proposals are determined in accord with the NPPF and support sustainable development and states that the Council will 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’* and that applications that accord with the policies in the Local Plan will be approved without delay unless material considerations indicate otherwise. The Policy is considered consistent with NPPF and PPG principles in relation to sustainable development and therefore weight can be given to this policy in the determination of this planning application.

- 6.30 **Policy SP20** is a criteria-based policy by which development proposals must adhere to. The matters listed in the criteria include:

(i) “Character” – respect the character and context of the immediate locality in terms of physical features and type and variety of existing uses; proposed uses to be compatible with the existing immediate locality and surrounding land uses and would not prejudice continued operation of existing neighboring land uses; cumulative impact on the character of area from new development also to be considered.

(ii) “Design” – new development to follow design principles established in Policy SP16. Extensions or alterations to be appropriate and sympathetic to the character and appearance of existing building as to scale, form and use of materials.

(iii) “Amenity and Safety” – amenity of present or future occupiers protected, ensuring new development will not have a material adverse impact on neighboring land and buildings users or occupants or wider community through its design, use, location and proximity to neighboring land uses. In terms of impacts on amenity, can be noise, dust, odour, light flicker, loss of privacy or natural daylight or overbearing presence.

(iv) “Access, Parking and Servicing” – access to and movement within the site by all users will not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists.

The criteria are in line with NPPF objectives in relation to design and transport (set out in paragraphs 130 and 111), and as such weight can be given to this policy in the determination of this planning application.

Other policy considerations:

National Planning Policy

- 6.31 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published July 2021)
 - National Planning Policy for Waste (NPPW) (published October 2014)
 - Waste Management Plan for England (2013)
 - National Planning Practice Guidance (PPG) (2014)

National Planning Policy Framework

- 6.32 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied.
- 6.33 The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making, this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development as that which fulfils the following three roles:
- a) ‘an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’*

- 6.34 Within the NPPF, paragraph 11 of the Framework advises that when making decisions, development proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:
- i.) ‘the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

i.) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

- 6.35 The national policy seeks to ensure that there are positive improvements in people's quality of life including improving the conditions in which people live, work, travel and take leisure. Whilst there are no policies relating to waste management in the NPPF, the following policies are considered relevant.
- 6.36 NPPF Paragraph 47 confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.37 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.
- 6.38 Paragraph 81 includes decisions should help create circumstances where businesses can invest, expand and adapt with significant weight placed on supporting economic growth, taking account of local business needs and wider development opportunities. Thereby allowing areas to build on strengths, counter weaknesses and address the challenges of the future.
- 6.39 Paragraph 85: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist.
- 6.40 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'.
- 6.41 Chapter 14 relating to climate change (paragraph 153) requires new development to take into account long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes.
- 6.42 Chapter 15 – (Conserving and enhancing the natural environment) Paragraph 174 requires planning policies and decisions should contribute to and enhance the natural and local environment and sets out a number of criterion. Those considered relevant to this proposal are:

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

6.43 Paragraph 184 states that planning policies and decision should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living condition 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.

National Planning Policy for Waste

6.45 Chapter 1 of the NPPW notes that the planning system plays a key role in delivering the country’s waste ambitions through ‘*recognising the positive contribution that waste management can make to the development of sustainable communities*’ and that it is important that ambitions are also achieved by ‘*helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment*’. The NPPW provides a framework to enable waste to be disposed of or recovered ‘*in line with the proximity principle*’.

6.46 Paragraph 1 of the NPPW states that the Government’s ambition is to ‘*work towards a more sustainable and efficient approach to resource use and management*’. The NPPW sets out the ‘*pivotal role*’ that planning plays in delivering the country’s waste ambitions with those of relevance to this application being as follows:

- ‘*delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy (see Appendix A of NPPW);*
- *ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;*

- *providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households,*
- *recovered, in line with the proximity principle;*
- *helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and*
- *ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste’.*

6.47 Paragraph 7 of the NPPW, provides guidance to Local Planning Authorities in the determination of waste planning applications, advising that they should:

- *‘only expect Applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
- *recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect Applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;*
- *consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
- *ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
- *concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;*
- *ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary’.*

6.48 Within Appendix B of the NPPW, it is noted that in addition to the type and scale of any proposed facility, Authorities should consider the following factors in assessing the suitability of a proposed waste site:

- ‘protection of water quality and resources and flood risk management;*
- land instability;*
- landscape and visual impacts;*
- nature conservation;*
- conserving the historic environment;*
- traffic and access;*
- air emissions, including dust;*
- odours;*
- vermin and birds;*
- noise, light and vibration;*
- litter;*
- potential land use conflict’.*

6.49 Criteria a, c, f, g, j and l are most relevant to the determination of this application:

- protection of water quality and resources and flood management. Considerations will include the proximity of vulnerable surface and ground water or aquifers.*

- c. *landscape and visual impacts. Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character;*
- f. *traffic and access. Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads etc.*
- g. *air emissions, including dust. Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.*
- j. *noise, light and vibration. Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed.... Potential light pollution aspects will also need to be considered.*
- l. *potential land use conflict. Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility.*

Waste Management Plan for England (2013)

- 6.50 National waste planning policy in England forms part of a wider national waste management plan to meet the requirements of the EU Waste Directive. The UK Government adopted the national *Waste Management Plan for England (NWMP) in December 2013. The Plan 'provides an overview of waste management in England... It is not, therefore, the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan'*
- 6.51 The NWMP identifies a commitment to achieving a zero waste economy. It states that: *"In particular, this means using the "waste hierarchy" (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management". Later on, it identifies that the waste hierarchy is "both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011". The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery, and last of all disposal (e.g. landfill).*
- 6.52 The NWMP recognises that it is: *"important to make sure that waste is optimally managed, so that the costs to society of dealing with waste, including the environmental costs, are minimised". It goes on to state: "The key aim of the waste management plan for England is to set out our work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the "waste hierarchy" (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management".*
- 6.53 It is noted within the NWMP that *"the Environment Agency is the main regulator of waste management in England. Among its responsibilities are the determination of applications for environmental permits required under Article 23 of the revised Waste Framework Directive; and carrying out inspection and other compliance assessment activities" (page 12). In addition, "The waste producer and the waste holder should manage waste in a way that guarantees a high level of protection of the environment and human health. In accordance with the polluter-pays principle, the costs of waste management shall be borne by the original waste producer or by the current or previous waste holders. The distributors of products potentially share these costs. The polluter-pays principle ensures that those responsible for producing and holding waste are incentivised to reduce and/or manage their waste in a way that reduces impacts on the environment and human health".*
- 6.54 In terms of the location of new waste infrastructure, the NWMP highlights that: *"The Government's ambitions for waste highlight the importance of putting in place the right waste management infrastructure at the right time and in the right location. We aim to have the appropriate waste reprocessing and treatment infrastructure constructed operated effectively at all levels of the waste hierarchy to enable the most efficient treatment of our waste and resources".*

- 6.55 The NWMP also refers to the nearest appropriate installation principle, advising that:

“The revised Waste Framework Directive establishes the principle of ‘proximity’. This is within the context of the requirement on Member States to establish an integrated and adequate network of waste disposal installations for recovery of mixed municipal waste collected from private households. The requirement includes where such collection also covers waste from other producers.

The network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.

The Directive also requires that the network shall be designed in such a way as to enable Member States to move towards the aim of self-sufficiency in waste disposal and the recovery of waste. However, Member States must take into account geographical circumstances or the need for specialised installations for certain types of waste and the Directive makes it clear that each Member State does not have to possess the full range of final recovery facilities.

This principle must be applied when decisions are taken on the location of appropriate waste facilities”.

- 6.56 In relation to planning decisions, the NWMP states: *“All local planning authorities should have regard to both the waste management plan for England and the national waste planning policy when discharging their responsibilities to the extent that they are appropriate to waste management”.*

National Planning Practice Guidance (PPG) (2014)

- 6.57 On 6th 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
- Lighting
- Noise
- Waste

Air Quality:

- 6.58 The PPG guidance on the assessment of the impact of a proposed development on air quality should be ‘proportionate to the nature and scale of the development proposed and the level of concern about air quality’ and may be considered as part of an Environmental Impact Assessment if one is required. In order to minimise the impacts of a proposed development on air quality for example in controlling dust and emissions this can be secured through the use of conditions as necessary.

Light pollution:

- 6.59 Light intrusion occurs when the light ‘spills’ beyond the boundary of the area being lit. Light spill can impair sleeping, cause annoyance to people, compromise an existing dark landscape and/or affect natural systems (e.g. plants, animals, insects, aquatic life). It can usually be completely avoided with careful lamp design selection and positioning:

- *‘Lighting near or above the horizontal is usually to be avoided to reduce glare and sky glow (the brightening of the night sky).*
- *Good design, correct installation and ongoing maintenance are essential to the effectiveness of lighting schemes.’*

- 6.60 Lighting only when the light is required can have a number of benefits, including minimising light pollution, reducing harm to wildlife and improving people’s ability to enjoy the night-sky:

- ‘Lighting schemes could be turned off when not needed (‘part-night lighting’) to reduce any potential adverse effects e.g. when a business is closed or, in outdoor areas, switching-off at quiet times between midnight and 5am or 6am. Planning conditions could potentially require this.
- Impact on sensitive wildlife receptors throughout the year, or at particular times (e.g. on migration routes), may be mitigated by the design of the lighting or by turning it off or down at sensitive times’.

Noise:

- 6.61 This states how noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. Decision taking should take account of the acoustic environment and in doing so consider:
- *‘whether or not a significant adverse effect is occurring or likely to occur;*
 - *whether or not an adverse effect is occurring or likely to occur; and* • *whether or not a good standard of amenity can be achieved’.*
- 6.62 It also states *‘neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development’.*
- 6.63 In line with the *Explanatory Note of the Noise Policy Statement for England*, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

Waste:

- 6.64 With regard to the *‘waste hierarchy’*, the guidance states:
- ‘Driving waste up the Waste Hierarchy is an integral part of the National Waste Management Plan for England and national planning policy for waste’ and ‘all local planning authorities, to the extent appropriate to their responsibilities, should look to drive waste management up the hierarchy’.*
- 6.65 The guidance states, in respect of the use of unallocated sites for waste management facilities, that applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the *‘waste hierarchy’*. If the proposal is consistent with an up to date Local Plan, there is no need to demonstrate *‘need’*.
- 6.66 The guidance includes advice on the relationship between planning and other regulatory regimes. On this matter it states:
- ‘The planning system controls the development and use of land in the public interest. This includes consideration of the impacts on the local environment and amenity taking into account the criteria set out in Appendix B to NPPW. There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively. The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes’.*
- 6.67 The guidance states: *‘the role of the environmental permit, regulated by the Environment Agency, is to provide the required level of protection for the environment from the operation of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit*

or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health’.

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. The policies that comprise the Development Plan need to be considered in the context of the Development Plan as a whole. In many cases, more than one policy will be relevant. In some instances, policies may be negatively phrased and this arises where it is clear that demonstrable harm would be caused to an interest of acknowledged importance which cannot be justified by particular development. The proposal is considered against the Minerals and Waste Joint Plan (MWJP) and the Ryedale Plan – Local Plan Strategy (the Development Plan). The proposal has also been considered against the National Planning Policy Framework (2021) (NPPF) and the National Planning Policy for Waste (2014) (NPPW) together with the National Waste Management Plan for England (2013) (NWMP) and national planning guidance.

7.2 The following assessment draws out the main considerations including:

- The principle of the development;
- Location;
- Landscape and visual impacts;
- Local amenity (including the potential impacts of noise, air quality dust and lighting);
- Historic environment;
- Flood risk, drainage, water quality and resources
- Highway and traffic impacts;
- Public Access
- Biodiversity, habitats, nature conservation and protected species
- Climate change

Principle of the proposed development

7.3 The application seeks retrospective permission for a 2.4 hectare extension to an existing inert and demolition waste recycling area on land at Whitewall Quarry, an existing operative limestone quarry. The quarry has been operating since before the introduction of planning legislation in 1947; a number of planning permissions have since been granted for the extension of the quarry all of which require the cessation of quarrying operations by November 2023. In 2002, planning permission was granted for *‘the extension of the existing quarry for the extraction of limestone and the use of part of the site for recycling operations’* (MIN1342 - C3/01/00260/CPO). The permission was implemented, and the recycling operations commenced in 2005 tied into the life of the quarrying operations until November 2023. The recycling area is located centrally within the quarry floor adjacent to the existing quarry weighbridge. The applicant imports inert waste material into this area including subsoil, topsoil, brick, and rubble, which is brought to site on a *‘back-haul’* basis i.e. sustainably ensuring a return trip of vehicles is used for the transport of materials after the first or primary materials have been delivered. The material is stored in stockpiles up to 8m in height until volumes warrant processing of the material using mobile screening equipment. The recycling operations provide soil material for site restoration and recycled aggregates. The success of the recycling operations has resulted in their extension onto adjoining land within the floor of the quarry beyond the permitted recycling area and which the applicant has advised have been carried out for up to 10 years. The current application is therefore retrospective to regularise the extension of the recycling operations beyond those initially granted planning permission.

- 7.4 MWJP Policy D01 supports proposals that accord with the policies of the development plan to secure development that improves the economic, social and environmental conditions in the area. Policy W05 of the MWJP seeks to secure the means of managing construction, demolition and excavation waste (CD&E) within the Plan area and, in addition to establishing the criteria against which to assess proposals coming forward in Part 1, it identifies in Part 2 sites that could assist in contributing to narrowing the identified gap in the Plan area's CD&E management capacity. The Policy identifies Whitewall Quarry as a site to which support for the management of CD&E waste will be provided:

'Site Allocation MJP13 – Whitewall Quarry - Expansion to area used for recycling of construction, demolition and soil waste for secondary aggregates within existing quarry void.'

- 7.5 The Plan's stated reasons for allocating the site are that the site could contribute to the provision of infrastructure, which could help move waste up the waste hierarchy (Policy W01), facilitate net self-sufficiency in the management of waste (Policy W02) and to meeting capacity requirements for CD & E waste (Policy W05). Subject to it being linked to the life of Whitewall Quarry (November 2023), it would not conflict with Policy W11 waste site identification principles. The proposal satisfies:

- **Part 1(ii) of MWJP Policy W01** in that it delivers on recycling CD&E waste and therefore contributes to moving waste up the hierarchy;
- **Part 1 of MWJP Policy W02** in that it contributes to the delivery of additional CD&E waste management capacity within the Plan area which is needed to help achieve net self-sufficiency; and,
- **Parts 1(i) & 2(i) of MWJP Policy W05** in that it would deliver that necessary increased CD&E waste management capacity consistent with the requirements of **MWJP Policy W10** and **MWJP Policy W11**;
 - consistent with **MWJP Policy W10** in that the proposal:
 - lies outside designated areas (**Part 1**);
 - provides appropriate additional waste uses within the footprint of existing sites (**Part 2**); and,
 - located as close as practicable to the source/s of waste to be dealt with (**Part 3**);
 - consistent with **MWJP Policy W11** in that the proposal:
 - lies adjacent to existing waste facilities and benefits from co-location with associated uses (**Part 1**);
 - is located within active mineral workings where the main outputs of the process are to be sold alongside or blended with mineral produced at the site; and,
 - is considered suitable in relation to physical, environmental, amenity and infrastructure constraints including existing and proposed neighbouring land uses, the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities, in line with national policy.

The proposal accords with MWJP Policy W01) in that it would facilitate net self-sufficiency in the management of waste (Policy W02) and to meeting capacity requirements for CD & E waste (Policy W05). It would also accord with Policy W11, waste site identification principles as a designated Site Allocation MWJP 13, and Policy D01 in that it would improve the economic, social and environmental conditions in the area. Policy SP19 of the Ryedale_Plan – Local Plan Strategy supports sustainable development and applications that accord with the policies in the Local Plan. An assessment of the application against the policies of the development plan is undertaken below, but the principle of the proposed development is considered acceptable for the above reasons. Nevertheless, it is still necessary to consider the proposal against other policies of the development plan as follows.

Location

- 7.6 The principle of continuing quarrying of limestone at the quarry was established in 1947; a number of extensions to the quarry have since been granted planning permission. The quarry / recycling operations have permission to operate until November 2023 by which time operations must cease and the site be restored. The principle of recycling inert and demolition waste was established in 2002 when planning permission was granted for an extension to the quarry and for an area within the quarry to be used for recycling. The use of the quarry for both the extraction of limestone and recycling is therefore well established. The quarrying and recycling operations have proved successful and serve the surrounding area. The planning application area the subject of this application, (as advised by the applicant), has successfully been operative for some years serving the immediate area with a sustainable recycling facility. The site is well served by the local and regional highway network. Norton-on-Derwent Town Council are of the view that the use would be better located in Kirby Misperton (which has better access to the A64) without having to go through Malton and / or Norton. However, the site has been identified as one in the recently adopted MWJP for ‘*Expansion to area used for recycling of construction, demolition and soil waste for secondary aggregates within existing quarry void*’ (site allocation MJP13 Whitewall Quarry). The location of the proposed recycling operations is therefore considered acceptable for the purposes of Policy W01 of the MWJP in that it would move waste up the waste management hierarchy; Policy W02 of the MWJP in that the location at Whitewall Quarry is an allocated site for recycling; Policy W05 of the MWJP in that it would secure the management of construction, demolition and excavation waste; Policy W11 of the MWJP in that it would accord with the identified principles of the policy; and Policy D10 of the MWJP in that it could be time limited to the life of the existing quarry and recycling operations which require the restoration of the site. The proposal would also accord with Policies SP6 and SP20 of the Ryedale Plan – Local Plan Strategy Plan. Policy SP6 supports major industrial processes involving the extraction, utilisation, working or harnessing of natural materials or land assets where they are required in that location and no other suitable sites are available in the locality. The operations would be located in the base of an existing quarry in conjunction with existing recycling activities, would not prejudice continued operation of existing neighboring land uses, and would be acceptable for the purposes of SP20. The location of the proposal therefore accords with the policies to the development plan and the policies of the NPPF.

Landscape and visual impact

- 7.7 The quarry is located on sloping land running uphill from north – south adjacent to Welham Road and Whitewall Corner Hill road. The quarry falls within the northern boundary of the Wolds Area of High Landscape Value identified on the Policy Map to Ryedale Local Plan.
- 7.8 MWJP Policy W05 identifies Whitewall Quarry as a site to which support for the management of construction, demolition and excavation waste will be supported (Site Allocation MJP13). Proposals for development of the allocated sites for recycling or landfill are required to take account of the key sensitivities and incorporate necessary mitigation measures. The key sensitivities for allocated sites include ‘*Landscape impact if retained in long-term*’, and key identified mitigation measures include the need for an ‘*appropriate restoration scheme using opportunities for habitat creation and which relates to the whole of the quarry area*’. MWJP Policy D06 requires the protection of all landscapes from the harmful effects of development and lends support to proposals where, ‘*it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures*’.

- 7.9 The quarry floor and recycling operations are approximately 15m below the level of the adjoining road. They are screened from the road and surrounding areas by landscaped mounds within the quarry boundary, and hedgerows and planting belts adjacent to Welham Road / Whitewall Corner Hill resulting in only fleeting views into the site from the adjoining road through a section of maturing hedgerow. The proposal would not lead to an extension of the quarry in any way and continued restrictions on the height of stockpiled materials would ensure they would not extend above the height of the restored and operational quarry faces or be readily seen from surrounding areas. In the longer term, the quarrying and recycling operations would cease and the overall site is required to be restored. NYCC Landscape has raised no objection to the proposal. The proposed extension of the recycling area would be acceptable in design and location and would not have an unacceptable visual impact or impact on the Wolds Area of High Landscape Value (and is already operating). The quarry and existing recycling operations are currently operating with the benefit of time limited permissions and restoration requirements. The proposal could be controlled in a similar way (recommended conditions 1 and 2). It is therefore considered the proposal would be acceptable for the purposes of MWJP Policy W05, meets the criteria set out in site allocation Site Allocation MJP13, meets the requirements of MWJP Policies D06 and D10 and would be acceptable for the purposes of Policy SP13 of the Ryedale Plan – Local Plan Strategy and accords with the policies of the NPPF and supporting guidance.

Local amenity (noise, light pollution) and air quality (emissions, odour and dust)

- 7.10 Site Allocation MJP13 for Whitewall Quarry to expand the area used for recycling of construction, demolition and soil waste for secondary aggregates within existing quarry void identifies amenity issues, including: noise, dust and cumulative impact in relation to residential amenity and the proximity of the adjacent stable in the key sensitivities. A key identified mitigation measure is for *'Appropriate arrangements for assessment, control of and mitigation of effects such as ancillary development noise, and dust and including a cumulative impact assessment which demonstrates the relationship of any proposed development on the allocated site with existing operations; the potential for consolidated mitigation of the operation and control at the quarry and ancillary infrastructure and the measures to ensure adequate protection against potential impacts on residential amenity and use of stables; monitoring and reporting as appropriate, of potential impacts of the recycling operation to the MPA'*. MWJP Policy D02 steers proposals toward sites where it can be demonstrated that there will be no unacceptable impacts on local amenity. MWJP Policy D14 seeks to ensure against any unacceptable impacts on the intrinsic quality of air. Policy SP16 of the Ryedale Plan – Local Plan Strategy requires development proposals to create high quality, durable places that are accessible and be well integrated with their surroundings and which protect amenity and promote well-being.
- 7.11 Representations have been received (including from Norton-on-Derwent Town Council) objecting to the proposal in view of impacts on amenity and particularly from noise and dust emissions from the recycling operations and expressing concerns that the operator would not comply with restrictions to control such and that developments at the quarry have resulted in increased traffic congestion through Norton-on-Derwent.
- 7.12 The proposal is located in the base of an existing quarry and associated recycling operation. The northern boundary of the quarry is some 600m from the nearest residential properties. Due to the change in ground levels and presence of landscaping in the northern part of the quarry, the quarry and recycling operations cannot readily be seen from the nearest properties. The recycling operations and proposed extension area are located in the base of the quarry; thereby restricting noise, the migration of dust and light pollution. Under the current planning permission, conditions require continuous noise levels to not exceed the background noise level by more than 10dB

at any noise sensitive locations and for noise levels to be monitored. This is similarly the case with dust, with a condition requiring dust control measures to be employed to minimise the emission of dust from the site and that such measures shall include the spraying of roadways, hard surfaces and stockpiles and discontinuance of soil movements during periods of high winds. There is no restriction on external lighting.

- 7.13 The District Council's Planning service has raised no objection and Ryedale Environmental Health has considered the impact in relation to noise and dust and have no comments.
- 7.14 It is considered matters relating to noise and dust could be controlled by condition to ensure there would be no unacceptable levels of noise or dust experienced by the nearest residential properties, adjoining land-uses and stables or users of the public footpaths and bridleways and which are proposed in the recommendation. Due to the depth of the quarry and restriction on hours of working, there is no unacceptable light pollution. The materials processed at the recycling facility are restricted to inert construction, demolition and excavation wastes that do not generate odour; this restriction could similarly be extended to the proposed extension area and in any event is managed by the existing Environmental Permit issued by the Environment Agency.
- 7.15 The applicant is proposing to operate the recycling facility between 0630 and 1700 Mondays to Fridays and 0630 to 1200 on Saturdays with no working proposed on Sundays or Bank Holidays. Previous planning permissions for extensions to the quarry and extensions to the life of the quarry have conditions restricting hours of operation to between 0700 and 1700 Mondays to Fridays and 0700 to 1200 on Saturdays with no working on Sundays or Bank Holidays (C3/01/00260/CPO granted March 2002 – extension of the quarry and recycling operations, C3/05/0443/CPO – granted May 2005 for an extension of time to operate the quarry). It is considered working hours of 0700 to 1700 Mondays to Fridays and 0700 to 1200 on Saturdays with no working on Sundays or Bank Holidays would be consistent with previous permissions and is necessary and reasonable to ensure the amenities of properties in close proximity to the quarry and along the routes of HGV's, particularly through Norton-on-Derwent are protected. Whilst there are concerns the operator would not comply with any conditions to any planning permission, this would not be a reason not to grant planning permission and would be a matter for subsequent monitoring and enforcement.
- 7.16 Subject to conditions restricting operating hours (recommended condition 7), noise levels (recommended conditions 13, 14 and 15) and measures requiring dust suppression (recommended condition 11), it is considered that the proposal would not have an unacceptable impact on the nearest residential properties, adjoining land uses (including stables) or on users of public footpaths and bridleways. It is therefore considered that the proposal would be acceptable for the purposes of MWJP Policy W05, meets the criteria set out in site allocation_Site Allocation MJP13, meets the requirements of MWJP Policies D02 and D14 and Policy SP16 of the Ryedale Plan – Local Plan Strategy and accords with the policies of the NPPF and supporting guidance.

The Historic Environment

- 7.17 '*Whitewall House and attached outbuilding*' and *Whitewall Cottages & attached stable building* are Grade II Listed, the closest part of which is situated approximately 250ms to the north of the north boundary to the quarry. Site Allocation MJP13 – Whitewall Quarry - identifies Scheduled Monuments at The Three Dykes and West Wold Farm, Langton Conservation Area, Listed Buildings including Whitewall House, Whitewall Cottages & associated stable) and their respective settings including appropriate archaeological investigation and mitigation – as key heritage assets in the Key sensitivities for the allocated site. The key identified necessary mitigation measure to

the allocation require *appropriate site design and landscaping of site to mitigate potential impacts on heritage assets*. There is a statutory requirement to have regard to the Planning (Listed Building and Conservation Areas) Act 1990. Section 66 of the Act requires local authorities to have regard to the desirability of preserving features of special architectural interest, and in particular listed buildings.

- 7.18 MWJP Policy D08 lends support to those proposals that are able to conserve and, where practicable, enhance those elements that contribute to the significance of the area's heritage assets (both built and archaeological) including their setting. Policy SP12 of the Ryedale Plan – Local Plan Strategy seeks to protect, conserve and enhance the historic environment and assets and resist development proposals that would result in harm or loss of historic assets (including listed buildings) unless exceptional circumstances can be demonstrated.
- 7.19 The proposal is in the base of an established quarry adjacent to existing recycling operations (and is already operative). All of the properties identified as listed in the Site Allocation MJP13 are considered to be of sufficient distance from the proposal for them not to be adversely affected by the proposal. The recycling operations are carried out in the base of the quarry and which has landscaping to the boundaries. NYCC Archaeology has raised no objection. Whilst the proposal would not contribute to the significance of the area's heritage assets including their setting, given its location within the base of the quarry and distance from identified and specified key heritage assets it would not have an unacceptable impact on them and their features of special architectural interest would be unaffected and preserved. It is therefore considered the proposal satisfies the mitigation measures for the purposes of Site Allocation MJP13 and is acceptable for the purposes of MWJP Policy D08 and Policy SP12 of the Ryedale Plan – Local Plan Strategy and accords with the policies of the NPPF and supporting guidance.

Flood risk, drainage, water quality and resources

- 7.20 Site Allocation MJP13 – Whitewall Quarry – identifies Key sensitivities for allocated sites including *water issues, including: hydrology, flood risk (Zone 1) and surface water drainage* with key identified necessary mitigation measures including a *suitable flood risk assessment, which to be satisfactory will need to include any necessary mitigation such as compensatory storage, attenuation and SuDS as appropriate and mitigation of any impacts groundwater quality and groundwater supplies*
- 7.21 Policy D09 of the MWJP lends support to proposals where *'it can be demonstrated that no unacceptable impacts will arise, taking into account any proposed mitigation, on surface or groundwater quality and/or surface or groundwater supplies and flows'*.
- 7.22 Policy SP17 of the Ryedale Plan – Local Plan Strategy supports development proposals if they demonstrate that development will not exacerbate existing problems on the wider drainage system; take full account of the flood risk vulnerability; demonstrate how they will minimise water consumption" and *"impacts on water quality and propose mitigation measures to reduce the risk of pollution and a deterioration of water quality"*.
- 7.23 The Policy seeks to protect surface and ground water resources and lists the types of development for which planning permission will not be forthcoming either within or adjacent to a notified *Source Protection Zone 1 (SPZ1) "unless adequate safeguards against possible contamination can be agreed"*. Further safeguards are expected within SPZs 2 & 3.

- 7.24 The proposal is located in the base of an existing quarry adjacent to an existing recycling operation (and is already operating). The Environment Agency has raised no objection advising the site is operating with the benefit of an Environmental Permit, lies on a principal aquifer but lies outside of any Source Protection Zones for potable water supply. Areas of either Flood Zones 2 or 3 lie more than half a kilometre away.
- 7.25 It is therefore considered the proposal satisfies the mitigation measures for the purposes of Site Allocation MJP13 and is acceptable for the purposes Policy D09 of the MWJP, Policy SP17 of the Ryedale Plan – Local Plan Strategy and accords with the policies of the NPPF and supporting guidance.

Highways matters- Traffic and transport

- 7.26 The quarry and recycling operations are accessed from Welham Road/Whitewall Corner Hill on the western boundary of the quarry. Welham Road provides direct access into Norton and Malton to the north and after some distance, the A166 and York to the south. A short section of Welham Road/Whitewall Corner Hill running north alongside the western boundary of the quarry is used by a SusTrans National Cycle Route, which forms part of the circular Yorkshire Wolds Cycle Route. Site Allocation MJP13 identifies a key sensitivity as *'Traffic impact, including: access, HGV use of local roads, the Yorkshire Wolds Way cycle route, Malton and Norton and the economy'*. A key identified necessary mitigation measure for the allocation is the need for *'an appropriate transport assessment to ensure suitable arrangements for access onto Whitewall Corner Hill road and on local roads, including an appropriate traffic management plan that reflects the volume of traffic using the site in connection with the development and other activities taking place within the quarry site'*. MWJP Policy D03 seeks to ensure, where road haulage is proposed, that there is appropriate infrastructure capacity to accommodate such traffic and would avoid giving rise to unacceptable impacts as well as any impacts being capable of being mitigated by means of access improvements and routing agreements etc. Policy SP6 of the Ryedale Plan – Local Plan Strategy, supports major industrial processes involving the extraction, utilisation, working or harnessing of natural materials or land assets where *'they are required in that location and no other suitable sites are available in the locality and they can be satisfactorily accommodated on the highway network and will not lead to significant adverse highways impacts.'*
- 7.27 The applicant has submitted a *'Transport Note'*, which undertakes a road casualty appraisal and assessment of traffic impacts on the public highway. The Note concludes there are no road safety issues pertinent to the site and vehicular movements would not have an unacceptable impact on the local transport network.
- 7.28 The Highway Authority has advised there does not appear to be any existing road safety issues near to the quarry or which involve HGVs operated at the Quarry. The Highway Authority is of the view that the increase in vehicle movements associated with the proposal (which is operative) is not considered severe and generally agree with the conclusions of the report, recognising the restriction under the Environment Agency Permit of 25,000 tonnes per annum.
- 7.29 A number of representations (including from Norton-on-Derwent Town Council) have been received objecting to the proposal in view of the potential increase in vehicle movements and associated impacts of HGV movements traveling north through Norton and Malton, particularly given the unacceptable increase in HGV movements experienced with the concrete batching and precast concrete manufacturing plants in the quarry. There is also the view that the operations would be more suited to an industrial area. It is recommended a Transport Assessment / Transport Statement should be required including all movements associated with the site. It is maintained

that it would be impossible to differentiate vehicles operating within the quarry and those operating from the recycling operations.

- 7.30 There are currently no restrictions on vehicle numbers associated with any uses within the quarry. The applicant has submitted a *Transport Note* that has been found acceptable to the Highway Authority. Planning permissions for the uses, including extensions to the quarry, incorporate conditions requiring the maintenance of the existing access, its use by all vehicles accessing and leaving the site; all vehicles leaving the site to be sheeted; and restrictions on the hours of use. The principle of the use of the quarry for recycling purposes is well established. It is considered to be a suitable location and is allocated for such in the MWJP. Welham Road/Whitewall Corner Hill running north alongside the western boundary of the quarry is used by a SusTrans National Cycle Route, which forms part of the circular Yorkshire Wolds Cycle Route designated in 2011. However, this is only a short section and it has not been raised as a safety issue by the Highway Authority. The applicant has advised that the proposal is principally to provide a larger area to accommodate segregated recycled materials in stockpiles and would not lead to an increase in vehicle movements. It is not considered necessary to restrict vehicle numbers. The proposal is therefore considered to meet the key mitigation measure set out in Site Allocation MJP13 and is acceptable for the purposes of Policy D03 of the MWJP and Policy SP6 of the Ryedale Plan – Local Plan Strategy and accords with the policies of the NPPF and supporting guidance.

Public Access

- 7.31 Site Allocation MJP13 identifies the need to mitigate the impact on rights of way users and other recreation activities in the vicinity. Policy D02 seeks to ensure there will be no unacceptable impacts on users of the public rights of way network. Bridleway 25.70/14/1 takes a route aligned east/west along '*Whitewall/Bazeley's Lane*' linking up with *Langton Road*. Bridleway 25.55/1/1 has a north-south alignment off Bazeley's Lane to the south of '*Spring Cottage Stables*' (500ms east of the eastern boundary of the quarry). Whilst there are no footpaths in the immediate vicinity of the quarry, public footpath 25.70/15/1 runs north/south along a short stretch adjacent to '*Spring Cottage Stables*'. The nearest bridleway is a minimum of 320m away from the eastern boundary of the quarry, and the nearest footpath a minimum of 500m away from the eastern boundary of the quarry.
- 7.32 The quarrying, recycling and ancillary operations are all located in the base of the quarry. They would not have any physical impact on the public rights of way and would not be readily seen from them. The bridleways and footpaths are considered to be of sufficient distance from the quarry that users of such would not be subjected to any unacceptable loss of amenity through visual intrusion or noise and no mitigation measures would be necessary. The proposal is allocated in the MWJP and complies with Policy D02 of the MWJP.

Biodiversity, habitats, nature conservation and protected species

- 7.33 The quarry falls within one of the notified *Impact Risk Zones* (IRZ) to the *River Derwent Site of Special Scientific Interest* (SSSI) lies) and *Three Dykes SSSI*/ IRZ. Within these IRZs, proposals relating to a number of specified types of development, including the extraction of minerals and industrial processes, require notification of Natural England. *Bazeley's Lane Site of Importance for Nature Conservation* (SINC) lies 223 metres from the application site boundary and *Welham Hill Verges SINC* running along the site's western boundary.
- 7.34 Site Allocation MJP13 identifies the need to consider ecological issues, including impacts on the River Derwent SAC and potential habitats; a key identified mitigation

measure includes the need for the mitigation of ecological issues, including impact on designated sites (such as the River Derwent SAC and Welham Hill verges SINC), protected species and habitats.

- 7.35 MWJP Policy D07 requires proposals to demonstrate that there would be no unacceptable impacts on biodiversity, including on statutory and non-statutory designated or protected sites and features and that a very high level of protection will be afforded to sites designated at an international level, including SPAs and SACs with development which would have an unacceptable impact on these sites not being permitted. Policy SP14 of the Ryedale Plan – Local Plan Strategy seeks to protect, secure conservation, investment, restoration and enhancement of biodiversity, particularly in Areas of High Landscape Value including West Wolds. Development proposals that would have an adverse effect on any site or species or result in loss or significant harm will only be supported where the loss or harm is outweighed by a need and that any loss or harm is mitigated and compensated for.
- 7.36 Representations have been received objecting to the proposal maintaining it is contrary to Policy SP14 of the Ryedale Plan – Local Plan Strategy. Natural England has advised that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes, would not have significant effects on the River Derwent SAC and would not damage or destroy the interest features for which the River Derwent SSSI has been notified. Further, Natural England has advised that to meet the requirements of the Habitats Regulations, any decision should record that a likely significant effect can be ruled out. NYCC Ecology has advised the application would have no negative impacts upon ecological features on or surrounding the site. The existing recycling and quarry operations are time restricted. Following cessation of quarrying, ancillary operations within the quarry are required to cease and the quarry be restored. Subject to the imposition of a time limit to restrict the life of the recycling operations to that of the quarry (should planning permission be granted), the site would be restored in a way to provide some ecological benefit. The proposal is therefore considered to meet the key mitigation measure to Site Allocation MJP13, is acceptable for the purposes of Policy D07 to the MWJP and Policy SP14 of the Ryedale Plan – Local Plan Strategy and accords with the policies of the NPPF and supporting guidance.

Climate Change

- 7.37 Policy D11 of the MWJP requires developers to explain how climate change has been taken into account. The applicant has not demonstrated how climate change has been taken into account. However, the application is seeking retrospective planning permission for the continued use of land within the base of the quarry of recycling operations of construction, demolition and excavation waste to recover aggregates, soils and soil-making materials.
- 7.38 The process moves waste up the waste hierarchy, reduces the reliance on primary won aggregates and provides a source of materials that contribute to the restoration of the quarry.
- 7.39 Whilst acknowledging quarrying and recycling represent contributors to climate change, both activities provide primary won aggregate and recycled materials to a local market in a principally rural area and the recycling operations receive inert waste and demolition materials from the local area reducing the distances vehicles have to travel. The site is allocated in the MWJP due to existing recycling operations in the quarry. In the absence of such a facility, waste materials would have to be transported greater distances using more fuel and generating increased emissions to atmosphere.

- 7.40 Having regard to the above, it is considered the proposed development is unlikely to have any significant and consequently unacceptable adverse impact upon climate change and is acceptable for the purposes of Policy D11 of the MWJP.

8.0 Conclusion

- 8.1 The site is allocated in the recently adopted MWJP. The proposal meets all the key identified mitigation measures set out in the Site Allocation MJP13 – *Whitewall Quarry - Expansion to area used for recycling of construction, demolition and soil waste for secondary aggregates within existing quarry void* by moving waste up the hierarchy by minimising, re-using and recycling waste materials. It would not have impact on ecologically designated sites; Natural England has advised a likely significant effect can be ruled out. It is of an appropriate design and would have no unacceptable impact on the landscape or heritage sites. It would not adversely affect best and most versatile agricultural land. It would not create any flood risk or pollution of ground water. It would not lead to an unacceptable increase in vehicle movements or impacts on the highway. It would not have any unacceptable impact on public rights of way or users of the highway including cyclists using the SusTrans National Cycle Route. It would not have an unacceptable impact on the amenities of the closest residential properties or adjoining land uses. The site can be limited to reflect the life of the quarry and which has an acceptable restoration scheme (recommended conditions 1 and 2).
- 8.2 It is considered that there are no material planning considerations to warrant the refusal of the application and is compliant with the policies, which comprise the '*development plan*' currently in force for the area and all other relevant material considerations.

Obligations under the Equality Act 2010

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

Obligations under the Human Rights Act

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

considering the interference with those rights, it is, on balance, in accordance with the law, necessary and in the public interest.

9.0 Recommendation

9.1 For the following reasons:

- i) the proposal accords with the MWJP Policies W01 (*Moving waste up the waste hierarchy*); W02 (*Strategic role of the Plan area in the management of waste*); W05 - *Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste)*; W10 (*Overall locational principles for provision of waste management capacity*); W11 (*Waste site identification principles*); D01 (*Presumption in favour of sustainable minerals and waste development*); D02 (*Local amenity and cumulative impacts*); D03 (*Transport of minerals and waste and associated traffic impacts*); D06 (*Landscape*); D07 (*Biodiversity and geodiversity*); D09 (*Water environment*); D10 (*Reclamation and afteruse*); D11 (*Climate change*); and D14 (*Air Quality*); and with the Ryedale Plan – Local Plan Strategy policies SP6 (*Delivery and distribution of employment/industrial land and premises*); SP12 (*Heritage*); SP13 (*Landscapes*); SP14 (*Biodiversity*); SP16 (*Design*); SP17 (*Managing air quality, land and water resources*); SP19 (*Presumption in Favour of Sustainable Development*); SP20 (*Generic development management issues*) as well as consistent with those paragraphs of the NPPF(2021) identified in Section 6 above.
- ii) the proposal does not conflict with the abovementioned policies as it is considered that the site is allocated for the purposes proposed, it is in an acceptable location, it would not have any unacceptable visual impact on the landscape, it would not have any unacceptable impacts on the amenities of the nearest residential properties or land uses or the historic environment, cause any flood, drainage or water quality issues or impact on ground water resources, would not have any unacceptable impact on the highway or traffic impacts or on public rights of way or on biodiversity, habitats, nature conservation and protected species. The environmental impacts of the proposed development are capable of being addressed by the measures in mitigation. Any adverse impacts are outweighed when considered against the benefit of recycling waste materials and moving them up the waste hierarchy and there are no other material considerations indicating a refusal in the public interest; and,
- iii) the imposition of planning conditions will further limit the impact of the development on the environment, residential amenity and the transport network.

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

Conditions:

1. The permission hereby granted authorises the inert waste and demolition waste material recycling area until 23 November 2023 or until such date as quarrying operations cease whichever is the sooner after which the development hereby permitted shall then be discontinued and any structures, plant and machinery shall be removed from the site.

Reason: To reserve the rights of the County Planning Authority to ensure the adequate control of the development and provide for the proper completion and progressive

restoration of the land to the requisite standard with the minimum of delay in the interests of amenity.

2. Following the cessation of recycling operations and the removal of plant and equipment or the cessation of quarrying activities whichever is the sooner, the site shall be restored in accordance with *Drawing CW WW 2801 11 – Reinstatement Plan as Proposed* dated November 2011 to planning permission C3/07/0937/CPO attached to and forming part of this permission.

Reason: To reserve the rights of the County Planning Authority to ensure the adequate control of the development and provide for the proper completion and progressive restoration of the land to the requisite standard with the minimum of delay in the interests of amenity.

3. The development hereby permitted shall be carried out, except where modified by conditions to this permission, in accordance with the application details as originally submitted with the application dated 31 July 2018 and the following documents:

Ref.	Date	Title
CW WW 1806 8 A	Nov 2018	Site layout as proposed
CW WW 1806 9	Nov 2019	Site Location Plan
	31 July 2018	Supporting Statement
	Dec 2018	Transport Note
CW WW 2801 11	Nov 2011	Reinstatement Plan as Proposed (C3/07/0937/NY/2007/0247/FUL)

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

4. A copy of the planning permission, together with all the approved documents, and any agreed variations together with all the approved plans shall be kept available at the site office or on the site at all times and made known and available to managing and supervising staff during the operational life of the recycling operations.

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

5. Access to the site shall be via the existing access onto Welham Road / Whitewall Corner Hill at all times for the duration of the development and no other access shall be used.

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

6. All vehicles transporting recycled materials or waste from the recycling operations from the site shall be securely sheeted or otherwise enclosed in such a manner as to prevent

dust blowing from materials and shall use Whitewall Quarry's wheel-cleaning facility to prevent material being spilled onto the public highway.

Reason: In the interests of highway safety and amenities of the area.

7. Except with the prior written approval of the County Planning Authority, no recycling operations including the transport of waste and recycling materials, plant or equipment into the site shall take place except between the following hours:

0700 – 1700 hours Monday – Friday

0700 – 1200 hours Saturday

Except with the prior written approval of the County Planning Authority, no recycling operations including the transport of waste and recycling materials, plant or equipment into the site shall take place on Sundays, Public Holidays or Bank Holidays.

Reason: In the interests of the amenities of the area.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no plant or building shall be erected on the site without the prior written approval of the County Planning Authority.

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

9. No other minerals, refuse or waste material other than inert construction and demolition waste materials for recycling operations or soils for restoration purposes specified in the Supporting Statement submitted with the application shall be stored or imported onto the site without prior written approval of the County Planning Authority.

Reason: To reserve the rights of control by the County Planning Authority and protect the amenities of the area.

10. No stockpiles shall exceed a height of 8m as measured from the base of the operational recycling area and shall in any event not exceed the adjoining land levels to Whitewall Quarry within which the recycling operations are located.

Reason: In the interests of the landscape amenities of the area.

11. Dust control measures shall be employed as necessary to minimise the emission of dust from the recycling operations, manoeuvring areas, stockpiles of materials to be processed and stockpiles of processed materials. Such measures shall include the spraying of roadways, hard surfaces, processing areas and stockpiles.

Reason: To protect the amenities of the area.

12. All vehicles plant and machinery employed as part of the recycling operations shall be fully maintained in sound working order at all times, and shall be fitted with and use effective silencers as provided by the manufacturers.

Reason: To protect the amenities of the area.

13. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment, which shall be regularly maintained. Plant, machinery and vehicles operating within the quarry shall be fitted with non-audible reverse or broadband multi-frequency sound alarms (white noise) warning alarm systems.

Reason: To protect the amenities of the area.

14. The equivalent continuous noise level due to recycling operations during permitted daytime hours (07:00-1700 Monday – Saturday, 0700 – 1200 Sunday) shall not exceed the background noise level (LA90) by more than 10dB(A) as measured at the nearest sensitive receptor. 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 protect the amenities of the area.

15. Noise levels associated with the permitted recycling operations and background noise levels shall be monitored in accordance with details requested in writing by the County Planning Authority, the results from which shall be submitted to the County Planning Authority within seven days from the completion of the monitoring.

Reason: To reserve the rights of control by the County Planning Authority and protect the amenities of the area.

16. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or surface waters, either direct or via soakaways.

Reason: to protect the groundwater quality in the area.

17. Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent capacity of the largest tank(s)/container(s), or the combined capacity of interconnected tanks/containers, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system shall be sealed with no discharge to watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: to prevent pollution of the water environment.

18. Prior to being discharged into any watercourse, surface water, sewer or soakaway system, all surface water drainage from parking, manoeuvring areas and hardstandings shall be passed through trapped gullies.

Reason: To prevent pollution of the water environment.

Informatives

N/A

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 not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning

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

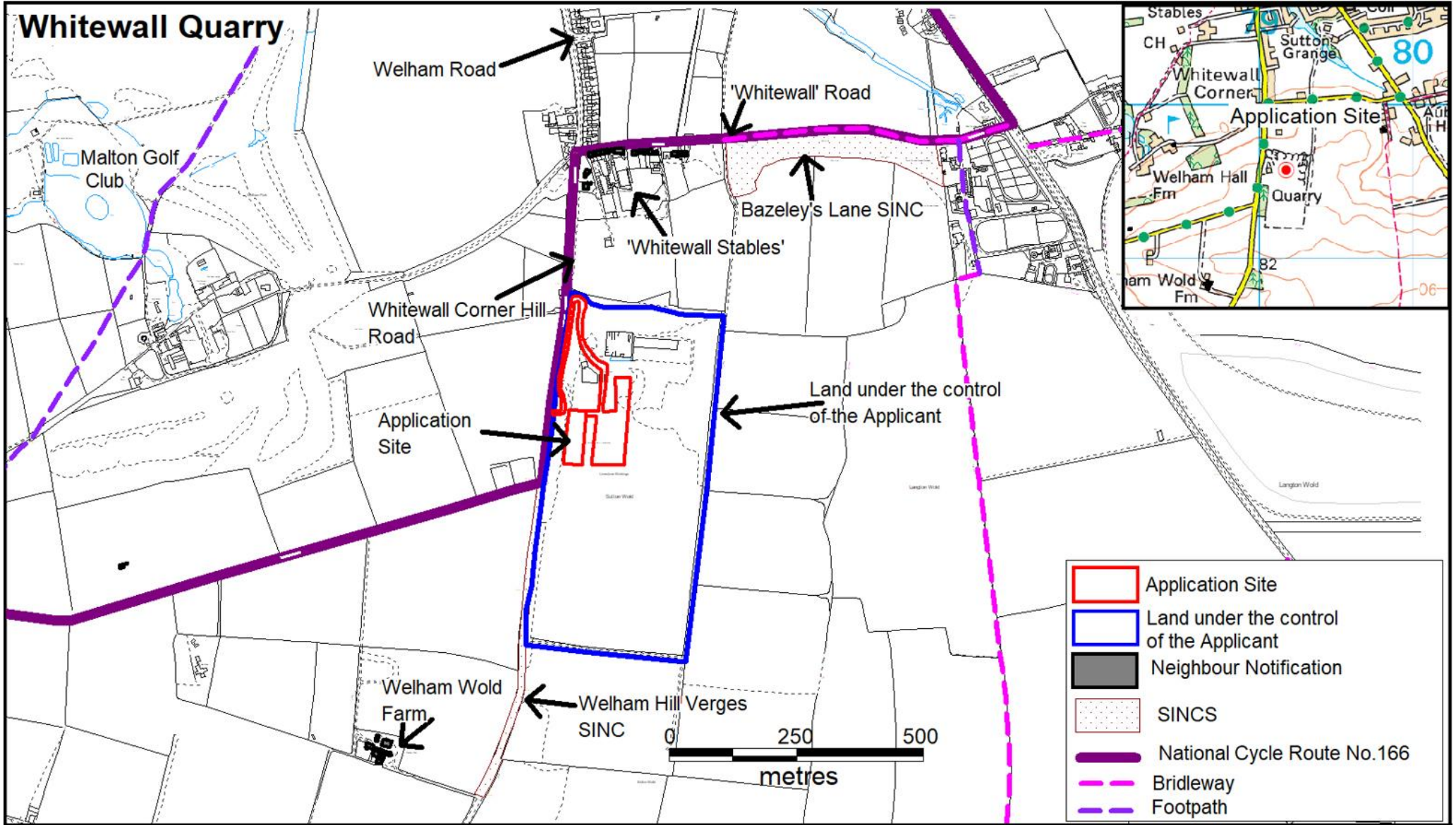
K BATTERSBY

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

Background Documents to this Report:

1. Planning Application Ref Number: C3/18/00967/CPO (NYCC REF NY2018/0167/FUL) registered as valid on 30 August 2018 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: Vicky Perkin







SURVEY IS CONSIDERED TO ORDNANCE SURVEY NATIONAL GRID. POSITIONS GIVEN BY GRID ACTING NETWORK TO BE PRODUCTION LEVELS TO OSDBO. THIS SURVEY SHOWS PHYSICAL SURFACE BOUNDARIES ONLY. CONFORMATION OF LEGAL OWNERSHIP BOUNDARIES SHOULD BE OBTAINED BY REFERENCE TO THE H.L. LAND REGISTRY TITLE PLAN. THIS PLAN SCALE IS FOR GUIDANCE ONLY. DO NOT SCALE DIMENSIONS BY COURT, CONSULT LATTICE SURVEYS.

KEY:

- AREA OF LAND REFERRED TO IN PLANNING APPLICATION (2.48 hectares including access road)
- AREA OF LAND OWNED BY W. CLIFFORD WAITS LTD.
- AREA PROPOSED FOR STOCKPILING RECYCLED MATERIALS (1.24 hectares)
- AREA PROPOSED FOR STOCKPILING OF RECYCLED PRODUCTS (1.48 hectares)
- EXISTING ACCESS ROAD TO PHYSICAL WORKING AREA (2.38 hectares)

NOTES:

THIS DRAWING IS REPRODUCED FROM MESSRS. LATTICE SURVEYS DRAWING NUMBER CW 1806.011 (DATED 18/10/2019) BASED UPON ORDNANCE SURVEY AS DESCRIBED ABOVE.

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A	KEY AWAYED BY 201	19

Revisions

WHITWALL QUARRY
WHITWALL CORNER HILL
MORTON, NORTH YORKSHIRE
RETROSPECTIVE PLANNING APPLICATION FOR RE-DEFINITION OF RECYCLING AREA

FOR:
W. CLIFFORD WAITS LTD.

SITE LAYOUT AS PROPOSED.

Terry Horton MBIAT
Independent Technical Practitioner
Building Design Technician and Designer
14 Bryan Avenue
Chatterbox
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East Yorkshire YO15 5JG
Tel: 01302 477962
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Scale 1:1250 AT A1
Date NOV. 2018
Drawn THH

Orig. No. CW/WW 1806 8 A