

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

26 JULY 2022

C4/17/02418/CC - PLANNING APPLICATION FOR THE PURPOSES OF THE EXTRACTION AND PROCESSING OF SAND AND GRAVEL FROM NEW QUARRY (11.9 HECTARES) INCLUDING THE CONSTRUCTION OF A SITE ACCESS ROAD, INTERNAL HAUL ROAD, MOBILE PROCESSING PLANT, SITE OFFICE, SOIL STORAGE BUNDS, LAGOONS, STOCKPILE AREA AND RESTORATION TO AGRICULTURE AND LAKE ON LAND TO THE WEST OF RAINCLIFFE GRANGE FARM, MAIN STREET, SEAMER, YO12 4PU ON BEHALF OF W CLIFFORD WATTS LIMITED (SCARBOROUGH BOROUGH) (DERWENT VALLEY & MOOR ELECTORAL DIVISION)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the extraction and processing of sand and gravel from a new quarry (11.9 hectares) including the construction of a site access road, internal haul road, mobile processing plant, site office, soil storage bunds, lagoons, stockpile area and restoration to agriculture and lake on land to the west of *Raincliffe Grange Farm*, Main Street, Seamer on behalf of W Clifford Watts Limited.
- 1.2 This application, though subject to representations in support in respect of the benefits of location, amenity, landscape, traffic, economy and ecology, is also subject to objections having been raised by local residents in respect on grounds relating to due process, landscape, need, policy, economy, traffic, vibration, noise and general amenity impacts and is, therefore, reported to this Committee for determination.

2.0 Background

Site description

- 2.1 *Raincliffe Grange Farm* is a working 98 hectare (240 acre) arable farm with a 12,000 bird free-range unit. The farm is located some two kilometres north of *Staxton* village and two kilometres south of *Seamer* village with access from the B1261 which links *Seamer* village directly to the A64 near the rail bridge. It comprises a farmhouse, a range of eight general purpose agricultural buildings with approximately ten fields and a centrally located tree shelter belt. It has its own dedicated vehicular farm access with good visibility onto the B1261 *Seamer* road. At the time of the application submission in 2017, it had been relatively recently purchased by the applicant. The application site is one of the larger fields to the western part of the farm comprising an arable field with two areas of existing woodland within the field adjacent to the central tree shelter belt.
- 2.2 The site lies within *Landscape Character Area 26 – Vale of Pickering*; a low lying flat topography located between the *North York Moors* to the north and *Yorkshire Wolds* to

the south. The site and locality is characterised as an agricultural landscape comprising large size arable fields enclosed by low hedges, fencing and drainage ditches and dykes. There is relatively sparse tree cover with occasional tree groups and a sense of openness with long views across the *Vale* where there is a low density of dispersed settlement patterns. Hedges form the principal field boundary treatment. The site comprises *Grade 3* and above agricultural land and the soils are understood to be of good quality with a mix of *Grade 2 & 3b*. The site drains into *Seamer Drain*. There are no public rights of way in the immediate vicinity of the farm and application site.

- 2.3 The nearest residential properties to the proposed extraction site include *Raincliffe Grange Farm* itself, also called *Low Raincliffe Farm*, owned by the applicant (403 metres from the proposed mineral working and 105 metres from the proposed access road), *Seamer Carr Farm* lies some 400 metres to the south-east, three houses are located at *Spital crossing (Spital Cottages)* 800 metres to the south-east together with *Ryedale House / Four Oaks Farm* situated close to the main road access to the farm, a kilometre to the north-east, where there also exist a pet supply premises and *Mallory's metal & wood recycling centre*. The property of *Hud Hills* is situated approximately 900 metres north of the proposed site and *Derwentdale Farm* some 800 metres to the west. All other dwellings lie more than a kilometre from the proposed mineral extraction area. A plan showing the application site is attached to this report at **Appendix A** and the locations of these properties can be found in **Appendix B** to this report.

Constraints affecting the site

- 2.4 The key national and local designations affecting the site include being:
- within the setting of the *North York Moors National Park* (the boundary of which lies some 3 to 4 kilometres to the north-west);
 - within the setting of the *Yorkshire Wolds Escarpment* which is an undesignated scenic and historic landscape character asset. It is noted too that the *Yorkshire Wolds* (approximately 2.5 kilometres to the south) is currently a *candidate-AONB*;
 - within Historic England's *Vale of Pickering Statement of Significance*, an undesignated archaeological heritage asset;
 - six designated heritage assets exist within 2 kilometres of the proposed development area including the *Seamer Conservation Area*, the site of the *Manor House Scheduled Monument*, one Listed Building (Grade I) and four Listed Buildings (Grade II); and,
 - within the Environment Agency's *Source Protection Zone 1* and *Flood Zones 2 & 3*.

Planning History

- 2.5 There are no minerals or waste-related planning permissions relating to the proposed development site. While there exists a history of various agricultural development-related approvals granted by Scarborough Borough Council at the site, there also exists a refusal of an application for a wind turbine of a 48 metre to blade tip scale.
- 2.6 A local resident has drawn attention to a refusal of planning permission by the Borough Council and subsequent dismissal of the related appeal for waste transfer at the nearby *Four Oaks Farm* lying just under a kilometre to the north-east of the current application site.

3.0 The Proposal

- 3.1 Planning permission is sought for the extraction and processing of sand and gravel from a new quarry (11.9 hectares) including the construction of a site access road, internal haul road, mobile processing plant, site office, soil storage bunds, lagoons, stockpile area and restoration to agriculture and lake on land to the west of *Raincliffe Grange Farm* on behalf of W Clifford Watts Limited some two kilometres south of *Seamer* village. The application is accompanied by an *Environmental Statement*.

- 3.2 The application details note that during the last *Ice Age*, the *North Sea* and *Vale of York* ice sheets blocked either end of the vale which created *Lake Pickering* from run-off water which also deposited large thicknesses of lacustrine (lake filled by sediment) deposits. As the ice melted, thicknesses of fluvioglacial (associated with meltwater) sands and gravels were deposited in plunge pools. Later, following partial drainage, a smaller lake, *Lake Flixton*, was established; the shores of which were settled by people in the *Mesolithic* period. As such, there is scope for archaeological interest.
- 3.3 The sand and gravel quarry is proposed to be located on a largely rectangular field of some 11.9 hectares; albeit only 3.3 hectares (4.8 hectares (or 40%) if one includes the margins) would be utilised for the extraction of mineral with the rest used for work/processing areas and soil storage pending restoration within the 98 hectare farm operation. The location away from the main farm buildings and provision of an improved site entrance and a new haul road seek to ensure the extraction could run alongside the continuing working farm business. The application envisages some 540,000 tonnes of sand and gravel would be extracted over an approximate nine year period at a rate of between 60,000 and 90,000 tonnes per annum. The site would be dewatered, then worked dry, by way of a long reach excavator, then transported by dumper truck to a new on-site processing plant.
- 3.4 In brief, the processing plant, the layout of which is shown within **APPENDIX I** attached to this report) comprises a series of elevated conveyors and feed pipes (with a maximum height 11.4 metres, 105 metres long and 75 metres wide) as well as a screen and washing barrel arrangement in a metal framed linear structure together with a 9 metre high and 9 metre diameter thickener cone.
- 3.5 In operational phasing terms (as shown within **APPENDIX G & APPENDIX H** attached to this report), the extraction area is relatively small scale and is proposed to commence within the north-east corner of the site where there is maximum tree screening with a second phase working westwards, but still within the northern part of the field with soils stored around the perimeter of the site for later restoration and the southern part of the site is proposed to be utilised for the processing plant and processed materials stockpiles and site office. The site office/mess facility would be a standard portable building type structure.
- 3.6 The bunding around the site to accommodate the subsoils and topsoils for later restoration of the site would be formed in a series of outer and inner bunds with flat top embankments 4 metres high above surrounding ground level. Several bunds are envisaged in order to retain the various subsoils by grade and topsoils (*Grades 2 & 3b*) in accordance the former *Ministry of Agriculture, Fisheries & Food* (MAFF) best practice for soil storage.
- 3.7 The proposed development would require the removal and subsequent replacement of approximately 78,600m³ of topsoils and 60,000m³ of subsoils. Any soils that become surplus following mineral working are proposed to be kept to a minimum and used during restoration to restore areas of lake margin.
- 3.8 The site office/mess would be screened in all directions by the combination of soil bunds and existing tree screening. There would be 20 metre wide operational stand-offs/buffers from the tree screening and the processing plant would be screened by the existing trees to the north and west of the processing area. The principal views of the processing plant would be from public rights of way (PRoWs) to the south of the site. Those aspects of the quarry plant above the 4 metre high bunds would be visible; albeit back-dropped by the trees to the north which are taller than the 11.4 metres maximum high processing plant.

- 3.9 In terms of overall visual mitigation, bunds, which also ensure the protection of the stripped soil resource, would be placed around the perimeter to reduce views into the site (particularly to the north west and south perimeters); the site having been chosen to take advantage of existing tree screening. A key part of the design approach is the retention of the existing tree screening within the north-west corner of the site, within a central eastern section of the site and along the eastern boundary of the site for its whole length.
- 3.10 Dewatering would be undertaken by pumping water into the western drain via the northern drain at a rate lower than a two year storm rate with the bottom of the quarry used as a balancing pond facility.
- 3.11 The scheme also includes 300 metres of new native hedging along the southern boundary and the gapping-up of 400 metres of existing hedgerow along the western boundary.
- 3.12 Management plans are proposed to be implemented to deal with, amongst others, dust, noise and traffic. The applicant's noise modelling indicates that the noise impacts of the proposed development would be below the generally accepted standard of not exceeding 10 dB(A) above background level with the applicant's assessment outcome of 8 dB(A) for properties outside applicant's ownership. The assessment has the following predicted noise levels in respect of 'normal' quarrying operations:

Location	Average Measured Background Noise Level dB $L_{A90,1h}$ (free-field)	PPG Minerals Criterion $LA90 + 10$ dB(A) (to maximum of 55 dB $L_{Aeq,1h}$)	Predicted Worst Case Site Noise Level dB $L_{Aeq,1h}$ (free-field)	Difference between Site Noise and $LA90 + 10$ dB(A) Limit
Seamer Carr Farm	45	55	49	-6
Ryedale House	52	55	45	-10
Hud Hills	41	51	41	-10
Derwentdale Farm	40	50	42	-8
Spittal Cottages*	52	55	45	-10
Raincliffe Grange Farm**	45	55	51	-4

and in respect of short-term operations such as soil-stripping:

Location	Predicted Worst Case Site Noise Level dB $L_{Aeq,1h}$ (free-field)	Difference between Site Noise and 70 dB(A) Limit
Seamer Carr Farm	51	-19
Ryedale House	47	-23
Hud Hills	43	-27
Derwentdale Farm	45	-25
Spittal Cottages	47	-23
Raincliffe Grange Farm	54	-16

- 3.13 A specific archaeological mitigation scheme has been prepared reflecting the fluvioglacial deposits on the north part and lacustrine deposits on the southern part,

taking into account archaeological expertise from within the County Council and *Historic England* to deal with archaeological impacts.

- 3.14 The applicant's assessment has calculated that there would be insufficient overburden for restoration purposes (being on average only 0.7 metres thick) and, as such, the proposed restoration strategy (as shown within **APPENDIX J, K & L**) envisages a 10 metre deep lake with shallow margins for nature conservation purposes with the remaining working surface areas restored back to *Grade 2* agricultural land. The applicant believes the lake with a surface area of approximately 3 hectares, would be valuable to the farming operations in the post-restoration period as the farm suffers droughts in the spring and summer and the lake would provide a much needed source of water to augment the existing abstraction supplies and rainfall. The lake would also enhance the ecological value of the site which is currently classed as low. It is also envisaged it would afford amenity enhancement.
- 3.15 In order to minimise heavy vehicle movements (HGV) impacting on *Seamer* village, the applicant envisages, that other than for local deliveries (up to 4 movements a day). The remainder of the 26 maximum daily wagon movements are proposed to be routed south onto the B1261 for 400 metres which then becomes the A64 in north/south directions meaning close access to the strategic road network can be gained.
- 3.16 Amongst the proposed measures in mitigation against amenity impacts is proposed a limitation on the hours of working to 0630-1700 hours (Mondays to Fridays) and 0700-1200 hours on Saturdays and closed on Sundays and Bank Holidays other than for maintenance together with a proposed 45dB noise limit at the boundaries of any residential properties.
- 3.17 Also amongst the measures proposed to minimise potential impacts upon the water environment are included flood bunding together with water storage and a limited rate discharge of excess water to existing drainage channels/drains. Any fuel is proposed to be stored in a mobile tanker with an associated anti-spill kit.
- 3.18 The application details explain that the applicant currently operates two concrete plants in *Hunmanby* and *Malton* to serve the *Scarborough* and *Ryedale* areas and they mostly serve these, not from the existing *Wykeham* sand and gravel quarry run by *Hanson Aggregates*, but from their own sand and gravel operation at *Gransmoor* in the *East Riding* by road haulage. In order to conserve scarce resources at *Gransmoor* and utilise those resources in the *East Riding*, a company facility to serve the *Scarborough* and *Ryedale* areas is now being sought through this application. The application details explain that it had not been possible to align the establishment of the proposed facility through the *Minerals & Waste Joint Plan* process owing, at that time, to the relatively recent purchase of the farm.
- 3.19 The *Environmental Statement* submitted with the application concludes there are no local or national designations which would constrain development at the site. In brief:
- the [Noise Assessment](#) notes having undertaken surveys in respect of *Seamer Carr Farm*, *Ryedale House*, *Hud Hills* and *Derwentdale Farm* (all of which are identified with **Appendix B** to this report) that the modelling confirms that the worst-case scenario noise predictions will all achieve levels below the current national Planning Guidance thresholds at the nearest noise receptors. Potential noise levels from 'normal operations' have not been assessed as expecting to exceed the daytime limit of 55 dB or the more stringent background level + 10 dB(A) criterion and, for short-term activities e.g. soil stripping, the levels have been assessed as remaining within the temporary limit of 70 dB. Noise levels for *Ryedale House* were regarded by the noise consultant as being representative for *Spittal Cottages* and those of *Seamer Carr Farm* representative for *Raincliffe Grange Farm*;
 - the [Traffic Report / Transport Statement](#) concludes that the relative small number of HGV movements a day (15) would not have any significant impact on the highway network; particularly as most are proposed to turn right (southward) out of the site onto the A64,

avoiding *Seamer* village. Those proposed routes to the applicant's existing plant sites at *Hunmanby* and *Malton* are shown within **Appendix C** and **Appendix D** respectively to this report);

- the original and updated [Ecology Survey](#) submitted in March 2020 finds no evidence of priority listed species, but acknowledges the existing trees and water habitat offer a connectivity and foraging value. However, with the mitigation embedded in the application (including the safeguarding of the existing adjacent woodland as shown on **Appendix E** to this report) and the proposed planning conditions, it concludes there would be no direct impact on any species including badgers, otters, water voles, white-clawed crayfish, bats or nesting birds;
- the [Landscape and Visual Amenity Assessment](#) notes that landscape and visual amenity would be the only significant impacts due to some middle distance visibility (up to 2 kilometres) during the ten year operational phase, but this would turn to a positive impact after restoration. For the most part, views of the proposed development from the north-west and east are hindered by existing woodland (as shown in **Appendix F** to this report). From more distant and elevated sites, the proposal would be a small element in a wide overall vista and any cumulative impact with *Wykeham Quarry* (some 1.4 kilometres distant to the west) does not increase the significance;
- the [Soils & Agriculture Survey](#) notes the soil types on the proposed site are divided almost equally between *Grade 2* soils in the northern section and *Grade 3b* soils in the southern;
- the [Hydrogeology & Hydrology Report and Flood Risk Assessment](#) indicates that impacts from contamination, on flood capacity, groundwater aquifers, dewatering for water abstraction would not be significant;
- the original and updated *Archaeology and Heritage* assessments concluded, there would be no impacts on designated heritage assets due to the separation distances involved. However, during the course of the processing of the application, *Historic England* (as the statutory consultee) drew attention to the failure of the original *Environmental Statement* to consider the impact of the proposal on the *Vale of Pickering's* archaeological landscape which they considered to be an undesignated heritage asset. This resulted in further information being submitted by the applicant in March 2020 which included:
 - a [Setting Assessment \(MGA, Nov 2019\)](#) which concludes the application would not be a source of harm to the significance of any designated heritage assets within the study area;
 - a [Revised Archaeology and Heritage Desk Based Assessment \(MAP, Oct 2019\)](#) which concludes that while there is an absence of any nationally important archaeological remains within the proposed extraction area, 'substantial harm' would be caused to non-designated archaeological deposits and, therefore, adequate provision should be made for the excavation and recording of the archaeological features prior to the commencement of mineral extraction through the means of 'Strip, Map and Record' which would reduce the level of harm to 'less than substantial'; and,
 - a [Report on Archaeological and Geoarchaeological investigations \(SLR, July 2019\)](#) which concludes the archaeological remains, including *Romano-British* agricultural features, within the extraction area to be of local significance and the relatively thin areas of peat reduces the likelihood of finds of any significance remaining.
- the *Dust and Air Quality Impact Study* notes there are three dwellings within 250 metres of the haul road and, with the embedded mitigation of sheeted wagons and regular haul road sweeping, it concludes that any dust emissions would not be significant.
- the [Lighting Assessment](#) notes that operations would mainly be carried out during daylight hours, but with some lighting for operations during the winter, the nature of the downward facing lighting would be concentrated on the operational area and be little different in character to that of lighting at farms and, as such, the impacts would not be significant; and,
- the most significant cumulative impacts would be the in-combination visual impacts with the sand and gravel workings at *Wykeham Quarry* and, whilst this would be substantial negative during operation for approximately ten years, the impact would be moderately positive after restoration.

3.20 Following on from the initial public consultation and, in particular, the concerns expressed by statutory consultees and neighbours in respect of archaeology, ecology, tree retention, [aftercare](#) and numbers of HGV's through *Seamer Village*, along with additional environmental and archaeological information, the application also includes a draft [Heads of Terms S106 Unilateral Undertaking](#) (updated March 2022). In brief, the main points include:

- the implementation of a *Biodiversity Management Plan*;
- HGV lorry routing - all, but two, deliveries a day to travel via A64 and not Seamer village) i.e. all HGVs to turn right on leaving and then travel south to the roundabout with the A64 highway north of Starr Carr Farm ("the *Approved Traffic Route*"). All HGVs entering the Land shall use the same route in reverse and approach the Land from a southerly direction only turning left on to the Land; and,
- *Archaeological Investigation* and publication.

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on 30th October 2017 and the subsequent re-consultation on 16th April 2020 following the receipt of revised environmental information relating to: a [revised archaeology and heritage assessment](#), together with a [revised ecological assessment](#), [aftercare](#), [landscaping](#) and [draft S106 proposals](#) relating to: a *Biodiversity Management Plan*, lorry routing and archaeological investigation and publication.

- 4.1 **Scarborough Borough Council (Planning)** – in a response dated [27th November 2017](#) commented that the Authority would need to be satisfied that sand and gravel extraction in this location is justified and the office building does not appear to be screened by existing tree planting.
- 4.2 **Ryedale District Council (Planning)** (*neighbouring Authority*) – in a response dated [23rd April 2020](#), returned **no objection**.
- 4.3 **Seamer Parish Council** – in a response dated [13th December 2017](#) returned **no objection** subject to: the implementation of a *Traffic Management Plan*, warning signs at the site access and a 7.5 ton weight limit being imposed on the highway to Seamer village to prevent heavy vehicles travelling through the village.
- 4.4 **Highway Authority** – in a response dated [12th December 2017](#) returned **no objection** in principle, but wanted to see how the applicant intends to ensure the suggested routing of HGVs is achieved together with details of the routes and net impacts. In a further response, dated [21st February 2020](#), conditions were recommended (draft condition no. 11 to 17 (incl.) refer) for both any *S106 legal agreement* and any consent, should either be issued. Subsequent to this, in a further response dated [21st April 2020](#), it was acknowledged that the applicant had clarified that local deliveries would be limited to two (2) per day (maximum) and restricting these to two named parishes and, therefore, maintained their position of **no objection**.
- 4.5 **NYCC Heritage – Ecology** – in a response dated [22nd November 2017](#) returned **no objection**, in principle, as the site is of low ecological value. However, improvements were identified which included: an early replacement pond elsewhere on the farm; a baseline ecological survey of *Seamer drain*; if important/sensitive features found, then 5 year monitoring of adjacent watercourse with ability to require appropriate mitigation measures if adverse impacts are detected; revisions to restoration plan and details of hedgerow improvements. In a response dated [8th April 2020](#) referring to the applicant's submitted [Ecological Impact Assessment](#) (EclA, Whitcher Wildlife Ltd, February 2020) and revised restoration details and, after revisiting the site, a further response dated [15th April 2020](#), it was noted that the drain appears to be of low ecological value and unexceptional and agreed with applicant's ecologist that further surveys and monitoring would no longer be required.
- 4.6 **NYCC Heritage - Landscape** – in a response dated [13th November 2017](#), requested more information including better plans showing: the relationship of plant to bunds / landscaping, pond edges, details of 400 metre enhanced hedging, wetland area and better landscaping plans, due to being unclear what the proposed use of the lake in

the restoration scheme is to be used for and the affect upon the aftercare arrangements. A further response, dated [1st May 2020](#), while conveying **no objections** to the broader principles of the application, recommended restoration be to *Grade 2*, not *Grade 3*, and conditions to cover matters considered to require control.

- 4.7 **NYCC Heritage – Archaeology** – in a response dated 29th November 2017 commented upon an insufficient submission of an '[Archaeology and Heritage desk based assessment](#)'. Subsequent to this, a response dated [7th May 2020](#) provided further comment confirming sufficient information now existed to make a balanced planning judgement, acknowledging the revised information to be thorough and it is a reasonable assumption that the significance of the asset does not preclude the development provided that a suitable mitigation strategy is secured. Moreover, a condition that requires some improvement to the submitted *Written Scheme of Investigation* was recommended and has been reflected within the *Schedule of Draft Conditions* within Section 9.0 of this report at condition no.s 39 to 41 (incl.).
- 4.8 **National Highways** (formerly Highways England) – in a response dated [3rd November 2017](#) returned **no objection**; subject to, in a further response dated [27th April 2020](#), an *Operational Traffic Management Plan* being agreed in respect of vehicle trip generation, routes for HGV's and parking / loading / dust / over-topping arrangements. Draft condition no. 11 within the *Schedule of Draft Conditions* within Section 9.0 of this report sets out the scheme that they are seeking to control alongside the other complimentary restrictions set out in the draft *S106 Agreement*.
- 4.9 **Environment Agency** – in a response dated [24th November 2017](#) returned **no objection**, but recommended the imposition of conditions upon any approval relating to the monitoring of groundwater and surface water and a scheme of mitigation to redress dewatering if it exceeds monitoring trigger levels together with an informative in relation to groundwater protection. Draft condition no.s 8 & 9 within the *Schedule of Draft Conditions* within Section 9.0 of this report provide for ground and surface water monitoring. The Vale of Pickering IDB is recommended to be consulted. A further response, dated [7th May 2020](#), informed of the requirement for an *Environmental Permit* for ground water dewatering and discharge of water activities. This is a new requirement since the original consultation and would involve a detailed *Hydrological Impact Assessment* (HIA). The HIA would be required at the *Environmental Permitting* stage.
- 4.10 **Natural England** – in a response dated [2nd November 2017](#) generally noted that some 5.8 hectares of the site involves *Best and Most Versatile Land* (BMV) (grades 1,2,3a) and expect the Planning Authority to take this into account. The site working, restoration and aftercare arrangements were expressed as being satisfactory and meeting good practice as set out in the NPPG, particularly that the BMV land would be restored to a similar quality productive agricultural land. A restoration to agriculture and '*loose-handling*' soil management option was recommended to be specified in any approval. In a further response, dated [11th December 2017](#), **no objection** was identified in respect of statutory nature conservation sites. In respect of protected landscapes, they advised the site lies close to *North York Moors National Park* therefore lying within its *setting* and, as such, recommended consultation be undertaken with the Park Authority and the impact on its *setting* taken into account. As the impacts upon protected species had not been assessed, referral was made to their published *Standing Advice*. Insofar as *Local* sites & SSSIs were concerned, they advised the checking of relevant records and in regards to biodiversity & landscape enhancements, they called for the consideration as to whether improvements could be made to the scheme. Their advice was reiterated in a further response dated [7th May 2020](#).

- 4.11 **Historic England** – in a response dated [16th November 2017](#) stated the proposal sits within an archaeological landscape of international importance relating to glacial, post-glacial and *Early Mesolithic* periods, but this had not been acknowledged in the application. As such, the application did not comply with the NPPF. The site was not a site allocated in the draft *Minerals and Waste Joint Plan*. They therefore lodged a holding objection on heritage grounds.

The *Vale of Pickering* was the location of the post-glacial '*Lake Pickering*' and its latter diminished form as '*Lake Flixton*'. The site is on the extreme edge of '*Lake Flixton*' and thus archaeological deposits will be removed. Evidence has been uncovered at both *Flixton Island* and *Starr Carr*; the latter is a typical '*type site*' from the *Early Mesolithic* period. They advised the site would likely contain waterlogged and well preserved remains which are at risk from dewatering and increasing acidity of ground water. As such, any intrusion would require a high level of justification and comprehensive level of understanding. The originally submitted '*Archaeology and Heritage desk based assessment*' was factually incorrect, poorly organised and failed to establish the significance of the assets. The submitted assessment indicates that *Lidar* imagery indicates presence of '*palaeolithic channels*' and this is where evidence of human activity may lie.

In a further response, dated [6th May 2020](#), the applicant's revised [Archaeological and Geoarchaeological Investigations Report](#) (dated July 2019) is regarded as being a clear, authoritative and cogent assessment of the archaeological character and potential of the site. Agreement was forthcoming with the applicant consultant's assessment which concluded that the affected *Mesolithic* deposits are not likely to be of national importance, but data from late- and inter-glacial periods would be important. In summary, concerns about the speculative nature of the proposal were raised, but, at the time of writing, they recognised the uncertainty of dealing with the application without the Inspector's written report into the *Minerals and Waste Joint Plan*. In their view, in the absence of the report and as a speculative proposal, it would be unjustified and harmful.

- 4.12 **Yorkshire Wildlife Trust** – in a response dated [28th November 2017](#) sought a long term management plan to be incorporated, so that biodiversity gains could be maximised, more use of species rich grassland with wild flowers and greater connectivity with other hedges and field margins on the farm. A further response, dated [5th May 2020](#), sought proposed tree and woodland protection measures to be delivered within a *Construction Environmental Management Plan*. Given the length of the permission, they asked that consideration be given for the net gain to be quantified within the DEFRA net gain metric model and would welcome the opportunity to comment on any *Biodiversity Management Plan* drawn up under the proposed *S106 legal agreement*. The applicant has explained, in response, that the DEFRA model works well for schemes like housing where the biodiversity measures are in place early in the development phase, but works far less well for mineral sites where the main gain is secured after the restoration phase.
- 4.13 **NYCC Arboricultural Officer** - in a response dated [12th February 2021](#) offered **no comments** over and above those of the County Council adviser on landscape matters.
- 4.14 **Yorkshire & Humber Drainage Boards (formerly Vale of Pickering IDB)** - in a response dated [13th November 2017](#) stated the site is close to a Board maintained watercourse, *Seamer drain*. Access to the drain is from the west side, so there is no requirement for the IDB to access from the working area. The *Environmental Statement* states there will be no discharges into any watercourses and, on this basis, **no objection** has been returned. Further comments received refer to it becoming apparent that discharges would go into the nearby Board-maintained watercourse (*Seamer Drain*) and, subsequent to this, further comments sought the securing of conditions within any consent, should one be issued, covering: a 9m access /

maintenance easement along existing water course; limiting rate of discharge to 1.4l/s/ha and submission of details of the proposed outfall. Attention was also drawn to the need for a separate *Land Drainage Consent* for the outfall.

- 4.15 **North York Moors National Park Authority** – in a response dated [8th May 2018](#) returned **no objection** in terms of impact on the setting of the *National Park* subject to the implementation of the proposed landscaping and restoration measures.
- 4.16 **Yorkshire Water Services Ltd** – in a response dated [21st November 2017](#) stated **no observation comments** are required.
- 4.17 **Environmental Health Officer (Scarborough)** – in a response dated [30th April 2021](#) stated that having examined the applicant's submitted noise assessment, no material impact upon residential amenity is foreseen due to the distance involved and the high noise climate associated with local roads and therefore raise **no objection**. Notwithstanding, conditions are recommended reflecting the assessment, relating to hours restrictions and the use of 'white noise' reversing alarms on vehicles (draft condition no.s 18-23 (incl.) refer).
- 4.18 Those bodies/organisations from whom no response has been received include:
- NYCC - SUDS & Development Control Officer; and,
 - East Riding of Yorkshire Council (neighbouring Authority).

Notifications

- 4.19 County Councillor Mr David Jeffels - was notified of the application by letter and understood the Parish Council are concerned about the prospect of HGV traffic travelling through the village.

5.0 Advertisement and Representations

- 5.1 This application has been advertised by means of six [Site Notices](#) posted on 14th November 2017 (responses to which expired on 14th December 2017). The Site Notices were posted:
- at the site access off B1261 (1);
 - adjacent to properties at Spittal Crossing (1);
 - on Ratten Row (2);
 - southern edge of Seamer village on B1261 (1); and,
 - adjacent to the entrance to Four Oaks on B1261 (1).
- A [Press Notice](#) appeared in the *Scarborough Evening News* on 9th November 2017 (responses to which expired on 9th December 2017). Consultation took place on the submission of revised environmental information received on the 30th March 2020. [Site Notices](#) posted in the same locations as previously on 17th April 2020 (responses to which expired 17th May 2020) and a *Press Notice* appeared in the *Scarborough Evening News* on [30th April 2020](#) (responses to which expired on 30th May 2020).
- 5.2 A total of 31 Neighbour Notification letters were sent on 16th November 2017 and the period in which to make representations expired on 16th December 2017. Neighbour re-consultation took place on the submission of revised environmental information received on the 30th March 2020. The following properties received neighbour notification letters or sent in unsolicited letters:
- No.s 1, 2, 3, 4, 5, 6, 8, 10 & 12 and Feet Up Trailsport Ltd, Arosa Caravan Park, Corner Ways, Orchard Lodge, Short Acre, The Meadows, Shieling, Almora, Mere Garth on Ratten Row, Seamer;
 - Derwentdale Farm, Carr Lane, East Ayton
 - Mallorys, Ryedale House, Herdborough Farm, Herdborough Farm Cottage, Carr Farm & Carr Farm Cottage, Carr House Bungalow on Malton Road, Seamer

- Star Carr Farm House, Spital Road, Seamer
- Seamer Carr Farm, Seamer
- No.s 1 to 3, Spittal Crossing, Seamer
- No.s 34b, 43 & 43b (Greenheld), 44, 45 & 62 Main Street, Seamer
- 3, Bry Hills, Seamer
- 28, The Grove, Seamer

5.3 Representations have been received from five properties, and one from whom the address is unknown, conveying reservations about or raising objections against the proposal on the grounds of:

- Due process:
 - dispute the suggestion that all close neighbours within 1km have been approached by the applicant; and,
 - the application is for 9 years, but they could apply for longer.
- Landscape:
 - would be intrusive and have an adverse visual impact on the sensitive flat landscape of 'The Carrs'
 - would harm the approach to *Seamer, Scarborough* and *Filey* from both road and rail together with harming views from *Staxton Hill*; and,
 - would be as harmful as the refused/dismissed waste transfer station at nearby *Four Oaks Farm*.
- Need
 - there is no need for another sand & gravel site, there are 17 existing ones,
- Policy
 - would breach the emerging *Minerals and Waste Joint Plan* and set precedent for other schemes outside the Plan,
 - would conflict with the archaeological importance of the area,
 - would conflict with the *Scarborough Local Plan* which seeks to limit development in this area to that which local people need or will enhance the area, neither apply,
- Economy
 - there would be no benefits for anyone in *Seamer* village, the village does not need sand & gravel,
 - *Seamer* has improved ever since the A64 bypass and this could undermine business confidence investing in the village,
- Traffic impact
 - even local delivery only traffic will ruin the village, NYCC & the Police do not have resources to monitor all HGV movements from the site, indeed what constitutes a 'local delivery'?
- Vibration and Noise
 - noise (including reversing alarms, gear changes, air brakes, blasting, crushing) and any grinding down of stone to make sand would travel across the flat landscape to the village and nearby houses,
 - there was no noise monitoring at *Spittal Crossings* to verify the noise model we can hear existing reversing beepers at the farm,
- Amenity
 - during dry periods could have air pollution from fine sand blowing from site especially from the new road and cause dust in houses and get into peoples' lungs,
 - the access is close to residential accesses on the other side of the road and the new roadway will make use of them more dangerous,
 - the site would need to be lit and this would result in light pollution in an open rural area,
 - could lead to water contamination issues as has happened in Turkey,
 - could harm Yorkshire Water pipeline bringing water to the village,
 - there will already be an increase from the extra 200 houses to be built at *Seamer*,
 - if approved, then the poor road between the two bridges should be improved with footways and resurfacing and a 40mph limit introduced.

5.4 Representations have been received from four properties, a local business and one other unknown address raising support on the grounds of:

- Location

- good location
- it is distant from the village of *Seamer*
- site is well related to *Scarborough*
- minerals have to be extracted where they are and those can be accessed without harm to the environment should be encouraged for extraction
- Amenity
 - as a very close resident feel noise will be no different from existing levels, the applicant has agreed to use 'white noise reversing beepers' for both quarry and the farm rather than existing noisier type at the farm
 - will cause little disruption in the village,
- Landscape
 - lack of landscape harm
 - given the existing trees, hedgerows and distance, it is hard fetched to say the development could be seen
 - little environmental impact
- Traffic impact
 - lack of traffic impacts
 - the wagons would not pass through *Seamer* village
- Economic impacts
 - good for local economy
 - to cope with the high demand for new houses locally, the aggregates need to come from somewhere
 - would bring extra jobs
 - sand and gravel is needed by local trades and developments
 - will reduce distance needed to haul sand & gravel
 - proposers have a good environmental track record
- Ecology
 - ecological improvements
 - wetland pond will be a benefit to local area like Wykeham wetland for migratory birds.
- it appears that many of those objecting have not read the details of the application.

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 [Scarborough Borough Local Plan](#) (adopted July 2017).
- 6.3 While **NPPF Paragraph 48** directs weight afforded to policies of particular plans is to be dependent upon:
- *the stage of preparation of the plan (the more advanced its preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);* and

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

Both of the afore-mentioned documents that form the *development plan* post-date the publication of the NPPF and, therefore, have been prepared in the context of published national policy; consistency with national policy overall has therefore been taken to be assumed as a consequence. However, for ease of reference, any references to paragraphs of the NPPF herein referred are provided, in extract, within **Appendix M** to this report.

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

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

Strategic policies for minerals:

- *MWJP Policy M01 Broad geographical approach to supply of aggregates*
- *MWJP Policy M02 Provision of sand & gravel*
- *MWJP Policy M03 Overall distribution of sand & gravel provision*
- *MWJP Policy M04 Landbanks for sand & gravel*
- *MWJP Policy M07 Meeting concreting sand & gravel requirements*

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 D04 Development affecting the North York Moors National Park and the AONBs*
- *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 after-use*
- *MWJP Policy D11 Sustainable design, construction and operation of development*
- *MWJP Policy D12 Protection of agricultural land and soils*
- *MWJP Policy D14 Air Quality*

- 6.5 **MWJP Policy M01**, consistent with **NPPF(2021) Paragraphs 20, 83 and 211**, steers proposals toward areas which lie outside the North York Moors National Park, Areas of Outstanding Natural Beauty and the City of York with a few identified exceptions to this.
- 6.6 **MWJP Policy M02**, consistent with **NPPF(2021) Paragraphs 20 and 209**, identifies a 15-year sand & gravel requirement up to the year 2030 to be serviced by specific site allocations; while, at the same time, ensuring that a landbank of at least 7 years is maintained throughout and at the end of the Plan period in 2030.
- 6.7 **MWJP Policy M03**, consistent with **NPPF(2021) Paragraphs 20 and 209**, identifies the overall distribution of sand and gravel provision, both northwards and southwards. If the identified ratio of distribution is not practicable, the policy allows for concreting sand and gravel provision across both areas in combination.
- 6.8 **MWJP Policy M04**, consistent with **NPPF(2021) Paragraphs 20 and 209**, provides for 7-year landbanks in respect of both concreting sand and gravel and building sand.

- 6.9 **MWJP Policy M07**, consistent with **NPPF(2021) Paragraphs 20** and **209**, identifies site allocations in order to meet the requirements for concreting sand and gravel and, of particular note, in respect of the development currently under consideration, is **Part 3** of this policy which supports the granting of permission in areas which fall outside *Site Allocations, Preferred Areas* and *Areas of Search* provided proposals contribute to maintaining an adequate and steady supply of concreting sand and gravel that “cannot be met through reserves on sites or areas identified in the Plan, and/or the development would support the maintenance of adequate production capacity or an effective geographical distribution of sources of supply in the Plan area” so long as they are consistent with the development management policies of the *Plan*.
- 6.10 The relevant parts of **MWJP Policy D01** in regards to presumption of sustainable development are that, in considering proposals, a positive approach, reflecting the NPPF’s presumption in favour of sustainable development, will be taken and that applicants will be worked with proactively to find solutions which mean that proposals can be approved wherever possible and secure development that improves the economic, social and environmental conditions in the area.
- 6.11 **MWJP Policy D02**, consistent with **NPPF(2021) Paragraphs 185** and **211**, steers minerals proposals toward sites where it can be demonstrated that there will be no unacceptable impacts (e.g. noise; dust; vibration; odour; emissions to air, land or water; visual intrusion; site lighting; vermin, birds and litter; subsidence and land instability; public health and safety; disruption to the PRow network and effects upon the opportunities for enjoyment and understanding of the special qualities of the National Park or cumulative effects) 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**). Within **Part 2** of this policy, encouragement is given to conducting early and meaningful engagement with local communities and to reflect the outcome of those discussions in the design of proposals as far as practicable.
- 6.12 **MWJP Policy D03**, consistent with **NPPF(2021) Paragraphs 104** and **111**, seeks to ensure, where road haulage is proposed and where the policy aspiration to use alternative means by way of rail, water, pipeline or conveyor cannot be accommodated, 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. seeking *Transport Assessments* and or *Green Travel Plans* where proposals would likely generate significant levels of road traffic.
- 6.13 **MWJP Policy D04**, consistent with **NPPF(2021) Paragraphs 194, 203** and **211** would not usually permit, in **Part 3**), proposals within the setting of *designated areas* giving rise to unacceptable harmful effects on their setting.
- 6.14 **MWJP Policy D06**, consistent with **NPPF(2021) Paragraph 130**, 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, having taken into account any proposed mitigation measures, that there will be no unacceptable impact on the quality and/or character of the landscape and further provisions are made in **Part 2**) to give ‘a very high level of protection’ to nationally *designated sites* such as *National Parks* and *AONBs* from any proposals that may give rise to unacceptable landscape impacts upon these areas.
- 6.15 **MWJP Policy D07**, consistent with **NPPF(2021) Paragraph 174** and **211**, requires proposals to demonstrate that there would be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites

and features (**Part 1** refers), 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 and other designations not being permitted (**Part 2** refers). Included within each part of the policy (**Parts 3-8**) are the levels of protection afforded in each case; to which due regard has to be had to **Parts 6 & 8**, in this particular instance, by virtue of the fact that the proposal has been so designed as to mitigate against and compensate for any biodiversity impacts and proposal must, in addition, be assessed for any potential cumulative impacts. However, as the site of the proposal is neither located within or in close proximity to a SSSI and no irreplaceable habitat such as ancient woodland or aged or veteran is proposed to be lost or deteriorate, **Part 3** is not engaged in this particular instance. This is similarly the case in respect of any Impact Risk Zone of any SSSI, SPA, SAC or RAMSAR site covered by **Part 4** or indeed any locally important sites covered by **Part 5**

- 6.16 **MWJP Policy D08**, consistent with **NPPF(2021) Paragraphs 194, 203 and 211**, 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 (**Part 1** refers). **Parts 2 & 3** draw particular attention to the levels of protection depending upon the nature of designation. **Part 2** to this policy, in particular, is engaged in that regard has been had to the conservation of the archaeological resource of the *Vale of Pickering* within which the proposal site is situated. The remainder of the policy addresses a circumstance of proposals affecting archaeological sites of less than national importance which is the case in this particular instance. The proposals provide for the excavation and recording of the archaeological features prior to the commencement of mineral extraction through the means of ‘*Strip, Map and Record*’ which would reduce the level of harm to ‘*less than substantial*’.
- 6.17 **MWJP Policy D09**, consistent with **NPPF(2021) Paragraph 211**, lends support in **Part 1**) where proposals are able to demonstrate, taking into account any proposed mitigation, that no unacceptable impacts would arise in respect of surface or groundwater quality and/or surface or groundwater supplies and flows. Any unacceptable risk of pollution or harmful disturbance to a principal aquifer or groundwater *Source Protection Zone* (SPZ) (afforded a ‘*very high level of protection*’ under this policy) would be resisted (**Part 2** refers). Any unallocated sites that come forward would be subject to both the *Sequential Test* and *Exception Test* for flood risk (**Part 3**). The final part of the policy, **Part 4**, requires proposals to include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures including use of sustainable urban drainage systems proportionately depending upon the nature, scale and location of the proposal being put forward.
- 6.18 **MWJP Policy D10**, consistent with **NPPF(2021) Paragraph 211**, requires any restoration and afteruse, whatever that may be, to be both appropriate and undertaken to a ‘*high standard*’ demonstrating, where appropriate, delivery of the seven pre-requisites identified within **Part 1** of the policy, such as, reflecting the potential for positive and adverse outcomes through the site’s restoration and/or after-use ((iii) refers), potential climate change impacts ((iv) refers), achieving optimum use of site resources e.g. soils ((v) refers), provide for progressive and phased restoration ((vi) refers) and providing longer-term site management ((vii) refers) as well as demonstrating, where relevant, the contribution that can be made to the delivery of the nine stated targets within **Part 2** of the policy; the most relevant of which include (i) the protection and reinstatement of *best and most versatile* (BMV) agricultural land and (viii) the provision of biodiversity net gains.
- 6.19 **MWJP Policy D11**, consistent with **NPPF(2021) Paragraph 211**, seeks, in **Part 1**, to ensure that the design, construction and operation of minerals development

incorporates measures appropriate and proportionate to the both the scale and the nature of the proposed development and there are ten areas upon which the policy focusses; in particular, including greenhouse gas emissions, water, flood risk and waste minimisation, use of low carbon energy and biodiversity enhancement, as well as the consideration of climate change. In circumstances where the proposals come forward include for a rate of mineral production in excess of 75,000 tonnes per annum, the policy justification (at paragraph 9.102) explains that proposals should be accompanied by an assessment “*showing how the design ... has taken into account the need for resilience to climate change factors*”.

- 6.20 **MWJP Policy D12**, consistent with **NPPF(2021) Paragraph 211**, seeks to secure, in the first instance, the protection of agricultural land categorised as ‘*best and most versatile land*’ (BMV land) from ‘*unnecessary and irreversible loss*’, but where proposals come forward on BMV land, they will be expected to protect and enhance the affected soils, undertake a high standard of *aftercare* and recreate BMV land after the completion of the working of the mineral.
- 6.21 **MWJP Policy D14**, consistent with **NPPF(2021) Paragraph 211**, consistent with **NPPF(2021) Paragraph 154**, seeks to ensure against any unacceptable impacts on the intrinsic quality of air.

‘Development Plan’ document – the [Scarborough Borough Local Plan](#)

- 6.22 The [Scarborough Borough Local Plan](#) (SBLP) (adopted July 2017) post-dates the first publication NPPF and the policies most relevant in the determination of this application are considered to include:
- SBLP Policy SD1 Presumption in favour of sustainable development
 - SBLP Policy DEC4 Protection of amenity
 - SBLP Policy DEC5 Historic & Built Environment
 - SBLP Policy DEC6 Archaeology
 - SBLP Policy ENV3 Environmental Risk
 - SBLP Policy ENV4 Groundwater Protection
 - SBLP Policy ENV5 The Natural Environment
 - SBLP Policy ENV6 Development affecting the countryside
 - SBLP Policy ENV7 Landscape Protection & Sensitivity
 - SBLP Policy ENV8 Green infrastructure
 - SBLP Policy INF3 Sustainable transport and travel plans
- 6.23 **SBLP Policy SD1**, similar to **MWJP Policy D01**, directs that, in considering proposals, a positive approach, reflecting the NPPF’s presumption in favour of sustainable development, will be taken and that applicants will be worked with proactively to find solutions which mean that proposals can be approved wherever possible and secure development that improves the economic, social and environmental conditions in the area.
- 6.24 **SBLP Policy DEC4**, particularly, criteria **c) & d)**, aligning with **MWJP Policy D02**, require proposals ensure against unacceptable impacts through effects such as noise, light pollution and other activities as well as impacts through emissions such as smells and other pollutants.
- 6.25 **SBLP Policy DEC5** (aligning with **MWJP Policy D08**) directs that developments should conserve and, where appropriate, enhance the historic and built environment. **Part a)** of this policy specifically addresses the consideration of designated heritage assets or an archaeological site of national importance seeking the conservation of those elements which contribute to an asset’s significance and **Part c)** in respect of

archaeological sites of less than national importance that the mitigation of damage will preferably be ensured through preservation of the remains *in situ*, but if this is not justified, adequate provision for excavation and recording before or during development is required. **Part d)** goes on to direct that where any removal, harm or undermining of significance in respect of non-designated assets would be resisted unless public benefits existed outweighing such harm.

- 6.26 **SBLP Policy DEC6** (similarly aligning with MWJP Policy D08) states applications should include an *Archaeological desk-based Assessment* and an *Evaluation Report* of the impacts from the development and furthermore, may require a *Written Statement of Investigation* and a *Programme of Archaeological Works* aimed at achieving ‘*preservation by record*’.
- 6.27 **SBLP Policy ENV3** expects environmental risks and the effects of climate change to be mitigated, aligning with MWJP Policy D09, and *parts a) to j)* identify specific matters to be controlled; the most relevant to the application under consideration being avoiding high flood risk areas (**a**), contribution to flood alleviation (**b**), efficiency in the use of water resources (**c**), use of sustainable drainage systems (SuDS) (**d**), adequate foul/surface water disposal (**e**), control of pollution of controlled waters (**f**) and maintenance of good air quality (**i**).
- 6.28 **SBLP Policy ENV4** (also aligning with MWJP Policy D09) requires proposals to demonstrate they do not compromise groundwater and its abstraction and, where appropriate, must produce a *Hydrogeological Risk Assessment* (HRA).
- 6.29 **SBLP Policy ENV5** seeks both species and habitat enhancement whilst retaining and integrating healthy, mature trees and hedgerows and maintaining those which make an important contribution to the setting and character of an area (**Part d**. refers) leading to *biodiversity net gain* (BNG) and identifies how this can be achieved; aims also shared by MWJP Policy D07.
- 6.30 **SBLP Policy ENV6** states ‘*the character of the open countryside will be protected, maintained and where possible enhanced*’, limits development in the countryside to those activities which require a countryside location and acknowledges within **Part f)** of this policy that there may exist “[O]ther forms of development requiring a countryside location that can be shown to be necessary in the proposed location for technical or operational reasons”.
- 6.31 **SBLP Policy ENV7** seeks to ensure that proposals both ‘*protect and, where possible, enhance the distinctiveness or special features*’ of a particular landscape character; (similar to those aims sought by MWJP Policy D06) taking into account **a. the sense of openness or enclosure; b. the pattern and complexity of the landscape; c. the experience derived from a particular landscape character; d. the relationship to existing settlement edges and the cultural pattern; and e. the visual sensitivities and intervisibility of the landscape.**
- 6.32 **SBLP Policy ENV8** seeks the protection and enhancement (through increased interconnectivity) of the Borough’s Green Infrastructure corridors (aligning with MWJP Policy D07) resisting developments that would have any unacceptable impacts.
- 6.33 **SBLP Policy INF3** requires proposals to contribute to sustainable transport.

7.0 Planning Considerations

- 7.1 As earlier referred, [Section 38\(6\)](#) of the [Planning and Compulsory Purchase Act 2004](#) requires authorities to determine applications in accordance with the planning policies

that comprise the '*Development Plan*' unless material considerations, including any impacts upon interests of acknowledged importance, indicate otherwise. In light of the abovementioned policies, the main considerations in this instance are set out below.

- 7.2 There exists a range of planning policies within the documents that form the '*Development Plan*' (Section 6.0 above refers) that need to be taken into account, as well as a number of other material considerations. In considering the relationship of the proposal to the '*Development Plan*', Members are respectfully advised that proposals need to be judged against the '*Development Plan*', as a whole, rather than against individual policies in isolation. Members are also advised to bear in mind the relative weight to be attached to the applicable policies in the various elements of the '*Development Plan*' relevant to this proposal against that which is laid down within national planning policy (Section 6.0 above again refers). In this particular instance, the '*Development Plan*' policies relevant to the determination of this application have been prepared and adopted post publication of the NPPF and, having been checked for any changes to national policy since their respective adoption, they continue to be consistent with national policy. Full weight is therefore able to be applied to these adopted local policies.
- 7.3 The analysis that follows establishes the acceptability, or otherwise, of the proposal against relevant '*Development Plan*' policies to establish whether, '*in principle*', the development either is, or is not, acceptable by virtue of the proposal's degree of compliance and / or conflict with policies contained within each of the relevant '*Development Plan*' documents. It should be noted that it does not follow that where a proposal conflicts / complies with just one policy that a proposal must be deemed unacceptable / acceptable, but it is a question of the degree of conflict / compliance and the weight apportioned in a particular circumstance that gives rise to the final analysis.
- 7.4 Within the paragraphs that follow this '*in principle*' position in land use planning terms lies the analysis of the proposal in respect of the effects of the proposed development upon various interests of acknowledged importance and the establishment of whether there exist any '*other material considerations*' that would outweigh / override the earlier referred '*in principle*' position. In light of the extant '*Development Plan*' policies, the main considerations in this instance are listed below. It should be noted that there is no inference of particular importance to be taken from the order in which the issues below appear:
- highway matters: traffic & transport (including vehicle numbers, routeing & road safety);
 - local amenity (including hours of operation, noise, air quality (e.g. emissions and dust) and external lighting;
 - impacts upon archaeology and archaeological landscape as well as the heritage assets and the historic environment including *Listed Buildings*, *Scheduled Ancient Monuments* etc.;
 - flood risk, drainage, water quality and resources;
 - landscape and visual amenity impacts;
 - biodiversity, habitats, nature conservation and protected species;
 - restoration & soils; and,
 - climate change.

Principle of the proposed development

- 7.4 The policies relevant to the acceptability of the proposed development, in principle, include those relating to sustainable development; namely ***MWJP Policy D01*** and ***SBLP Policy SD1*** (both of which have the sustainable development presumption within their headings). The question posed, in the first instance, is one of whether the proposed development is sustainable i.e. whether the proposed development is capable of meeting the needs of the present without compromising the ability of future

generations to meet their own needs. These policies lend support to those proposals that accord with the policies that comprise the '*development plan*' where sustainable development can be achieved; an overarching objective of the planning system is the encompassing of economic, social and environmental objectives. In instances of development being sustainable, a presumption exists in its favour.

- 7.5 The recently adopted *Minerals and Waste Joint Plan* (MWJP) contains **MWJP Policy M01** ('*Broad geographic approach to supply of aggregates*') which explains, in terms of land use planning policy in respect of minerals, that they are to be steered toward the areas of the county that lie outwith the boundaries of the *North York Moors National Park*, the *Areas of Outstanding Natural Beauty* and the *City of York*. This geographical steer is further defined within **MWJP Policy M03** ('*Overall distribution of sand & gravel provision*') which divides *concreting sand and gravel* provision within the *Joint Plan* area between north and south at a percentage of 45% and 50% respectively, with the remaining 5% taken up by *building sand*. In its proposed location, the application site falls within these areas and therefore no conflict is considered to exist with these relevant policies in this particular instance.
- 7.6 The choice of geographic location is also guided by local adopted policy within **SBLP Policy ENV6** ('*Development affecting the countryside*') which limits development in the countryside to those activities which require a countryside location. Scarborough Borough Council, within its return to consultation, commented that the Authority would need to be satisfied the proposed mineral extraction would be required in this location. Whilst acknowledging this comment, it's important to bear in mind that minerals can only be worked where they are found. In taking into consideration that **Part f**) of this policy acknowledges that there may exist "[O]ther forms of development requiring a countryside location that can be shown to be necessary in the proposed location for technical or operational reasons", the proposal is capable of avoiding any significant conflict with this policy. The proposal to work the land for sand and gravel is an example of one such development requiring its chosen location for technical and operational reasons because minerals can only be worked where they are found and, therefore, often require to be located within countryside locations. Such proposals are therefore, in principle, an acceptable use of land in the countryside provided they do not give rise to unacceptable impacts upon both landscape character and appearance of the open countryside. The use, as proposed, is, in principle, acceptable in the countryside and, as such, the application generally accords with this policy.
- 7.7 The total provision for sand and gravel over the 15 year period, 1st January 2016 to 31st December 2030, is set at 36.6 million tonnes, at an equivalent annual rate of 2.44 million tonnes and this is set down within **MWJP Policy M02** ('*Provision of sand & gravel*'). This anticipates the continuation of the important role of the *Joint Plan* area in the provision of aggregate minerals and forecasts the possibility of the need for additional resources over and above those already identified within the *Joint Plan* depending upon the scale of demand in order to secure the provision of a landbank of at least seven years in respect of sand and gravel at the end of the *Plan* period. Such a landbank has to comprise sites with the benefit of planning permission and possessing sufficient reserves capable of lasting at least seven years at the anticipated annual rate of extraction identified in the *Joint Plan*. It is important to note that this landbank requirement, which is set nationally, is a minimum as opposed to a maximum or upper limit/cap. The national online planning practice guidance states there is no maximum landbank level, each application should be treated on their individual merits (Section 27, Paragraph 084 updated 6th March 2014). Therefore, provision, in this instance, in excess would not necessarily give rise to policy conflict.
- 7.8 The provision of landbanks within each minerals planning authority area is prescribed at the national level within *Chapter 17* ('*Facilitating the sustainable use of minerals*') of NPPF(2021), under the sub-heading of '*Maintaining Supply*' and in respect of the

current proposal it is the setting of a minimum landbank requirement for sand and gravel equivalent of at least seven years supply which is relevant. Landbanks are mechanisms for securing and maintaining mineral supplies. They work by reflecting the time taken to obtain planning permissions and bring sites into production. National policy in the NPPF is reflected in the recently adopted *Joint Plan* which requires within policies **MWJP Policy M02** ('Provision of sand & gravel') and **MWJP Policy M04** ('Landbanks for sand & gravel') that an adequate supply of sand and gravel aggregates is available in the *Joint Plan* area and seeks to ensure that a landbank of at least seven years is maintained and how it is to be provided across the *Joint Plan* area. The application details point to an estimated 540,000 tonnes of *concreting sand and gravel* (at an estimated rate of between 60,000 and 90,000 tonnes per annum) could be yielded from the implementation of the proposal and this is considered to constitute a modest landbank contribution ensuring the county's ability to secure a steady and adequate supply of this particular resource to the market.

- 7.9 The application details explain that knowledge of the site's local geology has been gleaned from published sources, the results of mineral evaluation of boreholes drilled within the site and its immediate surroundings and borehole records held by the *British Geological Survey*. It explains that eight boreholes within the site were drilled in 2016. While the thickness of superficial deposits within the *Vale*, within which the site is located, has been estimated to be some 42 metres, the site's commercially workable (or economic) deposit of coarse, clean sand and gravel has been estimated to be up to 14.5 metres (with an average thickness of 8.5 metres) (yielding approximately 540,000 tonnes) overlain by an average of 1.5 metres thickness of soils and overburden.
- 7.10 North Yorkshire is the largest supplier of sand and gravel within the *Yorkshire and Humber Region*. For the purposes of considering planning applications for new workings, sand and gravel landbanks and supply in the area covered by the *Plan* have been considered on the basis of a north / south split, reflecting the general level and distribution of different market areas served by the two areas and being key to maintaining supply and ensuring a distribution of mineral workings reflecting proximity to markets; thereby helping to reduce overall transportation distances. This approach was established in the *North Yorkshire Minerals Local Plan* (1997), was carried through as 'saved' NYMLP Policy 5/1 and now continues within the *Joint Plan* as **MWJP Policy M07** ('Meeting concreting sand and gravel requirements').
- 7.11 **Part 3** of **MWJP Policy M07** makes provision for circumstances of considering applications for permission to be granted outside allocated sites, *Preferred Areas* and *Areas of Search*. However, the conditions that need to be met in order to satisfy this particular policy are that the proposed development would need to contribute to the maintenance of an adequate and steady supply of *concreting sand and gravel* that cannot be met through reserves on sites or areas identified in the *Joint Plan*, and / or the development would need to support the maintenance of adequate production capacity or an effective geographical distribution of sources of supply in the *Joint Plan* area; so long as consistency with the *Plan's* development management policies exists.
- 7.12 The policy justification for **MWJP Policy M07** acknowledges that there could exist a range of reasons that reserves within the identified sites within the *Joint Plan* may not be able to deliver as expected, or demand could be higher than expected depending upon market conditions. It furthermore recognises that the release of reserves elsewhere within the *Joint Plan* area may provide benefits in terms of sustainability. It explains that benefits could include those ensuring the maintenance of an adequate overall production capacity within the *Joint Plan* area and could also include, by way of example, reducing reliance on imports from outside the *Joint Plan* area; thereby, ensuring an effective overall geographical distribution of sources of supply of *concreting sand and gravel*. Other benefits, identified within the policy justification,

include meeting specific and more localised demands, not foreseen at the time of preparation of the *Joint Plan* or where a local supply source would deliver demonstrable sustainability benefits compared with reliance on established supply sources. Within such circumstances as these, proposals would need to be supported with evidence of the claimed sustainability benefit and demonstrate compliance with the *Joint Plan's* relevant development management policies.

- 7.13 For the purposes of **MWJP Policy M07**, it is considered that while the application site at *Raincliffe Grange Farm* does not, due to its eastern spatial location and proximity to A64/A170 primary road network, fall neatly into either distribution pattern, it has traditionally been seen as falling within the 'northwards' area; although the site falls within the southwards landbank area for the purpose of quantifying landbanks. It is pertinent to the consideration of the current proposal and acknowledged that the site, as proposed, lies within a part of the county where other sources of supply of sand and gravel are limited. The proximity of the site to significant centres of population within the eastern side of the county means that it would be relatively well placed to help contribute to diversity in sources of supply in this area without the need for large haulage distances and is, therefore, capable of representing a sustainable approach under the flexibility introduced within **MWJP Policy M07** in the recently adopted *Joint Plan*.
- 7.14 A key conclusion from published data provided within the *Local Aggregates Assessment* ratified by the *Yorkshire & the Humber Regional Aggregates Working Party* (RAWP) indicated that at the end of 2016 "reserves of sand and gravel are more limited [than crushed rock] and there is a need to identify further resources suitable to cover the period to 2030". Furthermore, it noted that "although there has been a decline in production over the past few years, in response to economic conditions, the strategic significance of aggregate from the sub-region is likely to remain high and may increase particularly for concreting sand and gravel". As the relevant Mineral Planning Authority responsible for ensuring the adequate supply of mineral, there has been no indication in the intervening years since the publication of this data to suggest a significant departure from this stated position.
- 7.15 The landbank in the 'southwards' part of the *Joint Plan* area for North Yorkshire, based upon the abovementioned data, was 11.2 years and 'northwards' 4.7 years. The overall landbank for the whole *Joint Plan* area ('northwards' & 'southwards') was 8.4 years; just above the national policy minimum requirement of seven years. An indication therefore existed to suggest greatest pressure on supply for the 'northwards' distribution landbank, rather than 'southwards'. It is important to note that during the *Examination in Public* in 2018 and 2019 into the *Minerals and Waste Joint Plan*, the Inspector accepted the industry's suggestion that some element of eastwards distribution recognition would facilitate reducing haulage distances for sand and gravel required in the eastern part of the county.
- 7.16 Pulling the policy threads together, land bank evidence has indicated in recent years a shortfall within the 'northwards' distribution area which the proposed site could usefully serve and provide additional provision within the eastern part of the *Joint Plan* area. This would accord with the flexibility sought by the Inspector during the *Examination in Public* into the *Joint Plan*. As such, and recognising the relative modest scale of the proposal, it is considered the proposal would not undermine the objectives of the *Joint Plan* and sufficient justification exists for the extraction of mineral in this location; thereby addressing the comments of Scarborough Borough Council. It is considered it would be consistent with the thrust of NPPF policy within Paragraphs 209 and 211 as, in summary, it would achieve improvements to the adequacy of production capacity and a more effective geographical distribution of sources of supply.

- 7.17 The applicant's agent notes that nearby *Wykeham Quarry* was identified as a 'preferred area' within the *North Yorkshire Minerals Local Plan* (NYMLP) (adopted in 1997 and a number of policies 'saved' by *Secretary of State Direction* in 2007) and received planning permission during the period of that *Plan* (ref. no. C4/03/02131/CC) in 2004. Whilst it would be possible to source sand and gravel from *Wykeham Quarry*, the agent explains that his client would be commercially reliant on one single large producer which makes poor business sense; however, this is not a material planning consideration to be taken into account in the determination of the application. The applicant also contends that having their own quarry in the *East Riding* at *Gransmoor* realistically means they will not source sand and gravel at *Wykeham Quarry*, preferring their own source at *Gransmoor* to supply their two concreting plants in *Malton* and *Hunmanby* and their panel plant at *Malton*. Should planning permission be forthcoming in respect of the current proposal, it is considered that it would likely reduce related sand and gravel wagon movements hauled (something which the applicant refers to as 'mineral miles') from *Gransmoor* to the *Malton/Hunmanby* areas whilst potentially allowing *Gransmoor* to serve demand within the *East Riding*. It is considered the applicant's commercial and operational comments reinforce the acceptability of the proposal from a minerals policy supply perspective; but only insofar as facilitating the county's ability to ensure an adequate and steady supply of mineral to market rather than commercial or operational advantages to specific operators.
- 7.18 While those raising objections against the proposal based on lack of need are noted, including reference to the relative proximity of *Wykeham Quarry*, the sustainable development benefits arising from reduced road haulage across the eastern side of the county as well as the provision of additional supply in this area, which currently has less provision than other areas in comparison, are considered to have merit in land use planning terms. This, together with the absence of demonstrable environmental harm discussed later in this section, is argued by the applicant as, in their view, outweighing the concerns expressed by objectors about the absence of need; a view which is considered to have merit in this particular instance. The agent's view is that the proposal would make a modest contribution to the maintenance of a steady and adequate supply of sand and gravel, particularly in this eastern part of the *Joint Plan* area where there are few alternative supply options as envisioned by the NPPF; a view furthermore which is acknowledged to be a reasonable and fair view in the circumstance of the provision of *concreting sand and gravel* in this specific area of the *Joint Plan's* geography.
- 7.19 In the provision of a sand and gravel resource within this specific location within the *Joint Plan* area, it is considered that it is capable of complying with the geographic distribution as provided for in the steer given in adopted policies **MWJP Policy M01** and **MWJP Policy M03** and avoids any significant conflict with adopted local policy **SBLP Policy ENV6**. In providing the sand and gravel resources of this site, this ensures the county fulfils its role in providing a steady and adequate supply to the market and therefore demonstrates the proposal's capability of compliance with the adopted policies of **MWJP Policy M02**, **MWJP Policy M04** and **MWJP Policy M07**. In identifying the quantum of resource, it concurrently ensures that the resources are not depleted to such an extent as to deny future generations access to sand and gravel resources should they have need to exploit them; thereby satisfying the aims of extant 'development plan' policies **MWJP Policy D01** and **SBLP Policy SD1**.

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

- 7.20 **MWJP Policy D03** ('*Transport of minerals and waste and associated traffic impacts*') and **SBLP Policy INF3** ('*Sustainable transport and Travel Plans*') form the two most relevant policies against which to assess the proposed development's highway and traffic impacts. The former seeks to avoid unacceptable impacts from traffic associated

with the proposed development and, both the former and the latter, highlight the use of *Transport Assessments* and *Travel Plans* as a means toward sustainable transport solutions; although in respect of the latter, given the nature of the proposed land use and its location, the achievement of sustainable transport benefits such as hauling the mineral by rail or water in this particular location is acknowledged to be prohibitive given the relatively modest amount of mineral reserve proposed to be extracted, distances involved and the scale of capital investment in the requisite infrastructure.

- 7.21 The application has been accompanied by a [Transport Statement](#) which explains that the site would be expected to generate, on a daily basis, fifteen HGV journeys in each direction. Other than a small number of local deliveries, the bulk of the journeys would head south onto the A64 for travel to the applicant's two concreting plants at *Hunmanby* and *Malton* (avoiding the weight limitation at the level crossing in Malton) as shown within Appendix C and Appendix D to this report. The associated *S106 legal agreement* which has been proposed by the applicant providing for all HGVs (with an exception of a maximum of two) to turn right out of the site and travel southward toward the A64 roundabout and including indicative routes to both concreting plants as well as a restriction that local deliveries are to be limited to two per day; unless otherwise agreed in writing for a particular order. **SBLP Policy INF3** requires proposals to contribute to sustainable transport and the proposal is considered to be able to achieve this by the use of reserves closer to the point of the production of the ready-mix concrete.
- 7.22 While local residents in objection to the proposed development have cited the ruination of the village by through-traffic arising from the development, the applicant has made clear within the supporting information provided with the application that traffic through the village is proposed to be limited in number and for local access purposes only. Furthermore, in response to consultation, subject to restrictions being imposed on local delivery numbers and HGV routeing and other operational good practice measures being delivered by means of a post-decision *Operational Traffic Management Plan*, there have been no objections returned from either the local *Highway Authority* or *National Highways* (formerly *Highways England*). The acceptability, or otherwise, of the proposal in respect of whether appropriate infrastructure exists in order to accommodate the proposal's likely generation of numbers and types of vehicles falls, whether unacceptable impacts are capable of being avoided as well as any impacts being capable of being mitigated by means of access improvements and routeing agreements all fall within the remit of these two regulatory bodies; neither of whom have returned any objection on these specific points, thereby rendering the proposal capable of compliance with **MWJP Policy D03**. As well as the consideration of the individual relevant criteria under this sub-heading in relation to the impacts of the proposal upon highway matters, the accompanying policy justification to **MWJP Policy D03** within paragraph 9.16 highlights the requirement to consider the cumulative effects arising from traffic generation at a single site and/or as a result of a number of sites operating in the locality. In this particular instance, taking into account the relatively modest intensity of traffic generation and the proximity of the site to the principal road network is not considered to give rise to cumulative effects. Taking into consideration the calculated vehicle numbers associated with the proposed development, the proximity of access to the A64 (a principal road) and the absence of other high-impact traffic generating developments within the vicinity of the proposed development, the issue of cumulative effects is not considered to be significant.
- 7.23 The recommendations of the experts within these agencies includes those proposed within the *Schedule of draft Conditions*, and Members' attention is respectfully drawn to draft condition no.s 11 to 17 (inclusive) in addition to the proposed associated *S106 legal agreement* in order to secure a number of these elements which have been expressed as a key concern of both the Parish Council and the local residents. In brief, the proposed planning conditions and the draft *S106 legal agreement* mitigation measures relate to: compliance with an *Operational Traffic Management Plan* including

HGV routeing, internal operational parking and loading areas within the site, suppression of dust or other material on both haul road and public highway quarrying hours, access improvement and visibility splays as well as wheel-washing facilities.

- 7.24 Taking the above into account, while concerns regarding the potential impacts of HGV traffic are acknowledged, it is not considered that the traffic impacts associated with the proposed development would give rise to such a significant adverse and consequently unacceptable impact either upon the local environment or highway safety to such a degree as to warrant a refusal of the application. With the proposed mitigation measures recommended within the conditions and the proposed *S106 legal agreement*, the development is considered to comply with **MWJP Policy D03** and **SBLP Policy INF3**; both of which seek to ensure satisfactory mitigation including traffic arrangements proposed to be put in place to safeguard local amenity.

Local amenity impacts (including noise, vibration, light pollution etc.) and air quality impacts (including those arising from emissions, odour, dust etc.)

- 7.25 The 'development plan' policies most relevant to the consideration of the application insofar as local amenity impacts include **MWJP Policy D02**, **MWJP Policy D14**, **SBLP Policy ENV3** and **SBLP Policy DEC4**. In the event that the applicant is able to demonstrate that unacceptable impacts upon amenity can be avoided, the proposal is capable of receiving support through these policies.
- 7.26 In seeking to address the policy requirements of both **MWJP Policy D02** ('Local amenity and cumulative impacts') and **SBLP Policy DEC4** ('Protection of amenity') in respect of ensuring against any unacceptable noise impacts arising from the proposed development, the application has been accompanied by supporting information to evidence their assessment including the submission of a [Noise Assessment](#) which has confirmed that the proposed operations are capable of avoiding reaching the national *Planning Practice Guidance* thresholds (i.e. not exceeding the background noise level ($L_{A90,1h}$) by more than 10dB(A) during normal working hours (0700-1900) and not exceeding total noise of 55dB(A) $L_{Aeq,1h}$ (free field)) at the nearest noise receptors (as shown at **Appendix B** to this report) at the worst-case scenario noise predictions. This is similarly the case in respect of short-term activities, such as soil stripping, where the expectation of the applicant's consultants is that the proposed development is capable of remaining below the nationally-set threshold of 70 dB. Other measures proposed in mitigation include the construction of bunds around the perimeter of the proposed working areas, fitting of noise attenuation to equipment and plant, the setting of maximum noise levels at nearby residential receptor properties and the use of noise monitoring equipment.
- 7.27 Consideration has been given to the issue of vibration within the documentation submitted by the applicant and, on the basis of the nature of the proposed operations, vibration has not been assessed as giving rise to significant effects provided appropriate measures in mitigation are implemented such as the choice of operational methods of extraction etc. and separation distances adhered to.
- 7.28 In addition to the assessment of both noise and vibration and in seeking to address the policy requirements of **MWJP Policy D02** ('Local amenity and cumulative impacts') and **SBLP Policy DEC4** ('Protection of amenity'), the applicant has submitted a [Lighting Assessment](#) which has noted that operations are intended to be, in the main, carried out during daylight hours, but with some lighting for operations during the winter for the purpose of safe operational requirements. The only overnight lighting proposed is that which is to be restricted to two security down-lighters (max 20 lux). The National Park Authority, from whom the County Planning Authority has sought comment, noted the significant separation distance involved, the limited visibility to be gained from Park viewpoints, the mitigation proposed and the temporary nature of the proposal giving

rise to a position of no objection to the proposed development. The nature of the downward facing lighting would be concentrated on the operational area and present minimal difference in character to lighting around agricultural-related buildings found locally, such that the impacts would not be considered significant and therefore rendering the proposal capable of compliance in respect of these policies (**MWJP Policy D02** and **SLBP Policy DEC4**) concerned with ensuring against any unacceptable amenity impacts arising from the proposed development.

- 7.29 In seeking to address the policy requirements of both **MWJP Policy D14** ('Air Quality') which seeks to ensure against any unacceptable impacts on the intrinsic quality of air and **SBLP Policy ENV3** ('Environmental risk') which expects air quality to be both maintained and monitored, an *Air Quality Impact Assessment*, submitted to support the application, identified *Raincliffe Grange Farm, Ryedale House* and *Four Oaks Farm* to be those most likely to be affected by any dust generated by the proposed development and, indeed, in respect of the latter two, the effects would likely arise from vehicular traffic associated with the proposed development. It is acknowledged that dust from sand and gravel operations is uncommon and unlikely to give rise to significant adverse impacts beyond distances of 250 metres from the source. The nature of the construction and operational phases are such that fugitive air quality/dust impacts are mostly likely to arise during dry and windy conditions. The applicant has acknowledged the potential for impacts and has indicated the intention, prior to the commencement of mineral extraction, to prepare and submit for the Authority's written approval a *Dust Management Plan* to deal with the situations when certain operations would need to be suspended and others when dust suppression would be required in accordance with normal industry standards. Insofar as the potential for impacts arising from the generation of dust and other airborne particulates, the relevant assessment concluded that significant adverse effects of emissions would be capable of being mitigated through the separation distance between the proposed workings (a distance greater than 250 metres), the incorporation of soil bunding of up to six metres in height to attenuate, not only noise, but also any fugitive dust emissions as well as the use of sheeted wagons and regular haul road sweeping. The proposed *Dust Management Plan* is conveyed as being covered within draft condition no. 24 within the proposed *Schedule of Draft Conditions* within Section 9.0 of this report and draft condition no.7 would provide the requisite control to ensure that the height of mineral stockpiles are limited to 12 metres in height above adjoining ground level.
- 7.30 Matters raised in objection have included dust from a dry haul road, noise and vibration from the proposed development as well as traffic turning left into *Seamer* village. As referred within this report, all of these matters have been subject to assessment by the applicant and those assessments scrutinised by those experts with whom the County Planning Authority has consulted. While it is acknowledged that these are understandable concerns raised in objection, such matters as noise from the proposed plant and machinery and vehicles associated with the proposed development; air pollution from fine sand during dry periods; light pollution in an open rural area; the possibility of water contamination, as outlined in Section 5.0 of this report, have not been returned as reasons for raising any objection from those from whom expert views have been sought. Nevertheless, although achieving safeguards against significant adverse effects, where the potential exists to give rise to possible amenity nuisances, measures have been proposed in mitigation by the applicant and these are considered to be both reasonable and appropriate given the nature, scale and location of the proposed development.
- 7.31 The Environmental Health Officer (EHO) of Scarborough Borough Council commented that the noise environment in the vicinity of the application site is already "*generally high*" due to the existence of the A64 trunk road and the relative proximity (approx. 200 metres) of sensitive residential receptors to the B1216, the A64 trunk road and the *Scarborough–York* rail line and also the noise modelling undertaken by the applicant

has indicated that the development is capable of comfortably meeting recognised noise guidelines of ensuring the development would not exceed 10dB(A) above background levels. It is envisaged that vibration from extraction would, similarly, not be harmful. At a traffic generation level of fifteen (15) HGV traffic movements in each direction and small number of staff movements, it is not considered that this scale of activity would adversely affect the amenities of nearby residents given the high levels of traffic on the adjacent road network or unduly affect residents rights as protected by the *Human Rights Act 1998*. The associated *draft S106 legal agreement* proposes a restriction which would direct the majority of traffic south onto the A64 trunk road away from the village of *Seamer* to also help mitigate the impact of the development. A proposed condition (draft condition no.11) requiring an *Operational Traffic Management Plan* would seek to deal with the operational highway matters that have been raised by residents and the Parish Council and, consequently, Members' attention is therefore drawn to draft condition no.s 11-16 (incl.), 17 and 24 in relation to dust management; draft condition no. 18 in respect of hours of operation; draft condition no.s 19-23 (inclusive) in respect of noise mitigation measures and draft condition no. 25 in relation to external lighting as well as the *draft S106 Legal Agreement* relating to HGV numbers and routing. With these mitigation measures in place, it is not considered the community concerns regarding the amenity issues cited within their representations would occur.

- 7.32 As well as the consideration of the individual relevant criteria under this sub-heading in relation to amenity set down within ***MWJP Policy D02*** (i.e. noise, dust, vibration, emissions to air, land or water, visual intrusion and site lighting), there also exists a requirement to consider the cumulative effects arising from one or more of these at a single site and/or as a result of a number of sites operating in the locality. This is similarly required within the policy justification at paragraph 9.120 to ***MWJP Policy D14*** and, with specific respect to air quality, in ***SBLP Policy ENV3***. However, the nature, scale and location of the proposed development, in this particular instance, and the absence of any other developments within the area giving rise to such effects are considered sufficient to conclude that no significant cumulative effects would arise. In taking into account the above and the mitigation proposed to be implemented, it is considered that the policy requirements of ***MWJP Policy D02*** ('*Local amenity and cumulative impacts*'), ***MWJP Policy D14*** ('*Air Quality*'), ***SBLP Policy ENV3*** ('*Environmental risk*') and ***SLBP Policy DEC4*** ('*Protection of amenity*') have been satisfied in this instance.

Impacts upon archaeology and archaeological landscape as well as the heritage assets and the historic environment including Listed Buildings, Scheduled Ancient Monuments etc.

- 7.33 Relevant '*development plan*' policies in respect of the historic environment and, more particularly, archaeology and the archaeological landscape, include ***MWJP Policy D08*** ('*Historic environment*'), ***SBLP Policy DEC5*** ('*Historic & built environment*') and ***SBLP Policy DEC6*** ('*Archaeology*') (aligning with NPPF(2021) ***Paragraph 203***). Both the *Joint Plan* policy and the first of the two Scarborough Borough Council policies align with one another in their support for proposals that are able to conserve and, where practicable, enhance elements which contribute to the significance of an area's heritage assets (both built and archaeological) including their setting and they go on to define how the policies would affect the consideration of proposals depending upon the significance of the heritage asset in question. The second of the two Scarborough Borough Council policies sets down the heritage-related assessment requirements. Between them, they direct that proposals must appropriately consider and evaluate the impacts upon archaeological resources and ensure satisfactory mitigation is incorporated into proposals.

- 7.34 At the time of the submission of the application in 2017, the applicant had commissioned an '[Archaeology and Heritage Desk Based Assessment](#)'; however, in response to the seeking of expert opinion at *Historic England*, the statutory consultee in this instance, commented that the application had failed to recognise that the proposed site was situated within an archaeological landscape of international importance dating back to the glacial, post-glacial, *Palaeolithic* and *Early Mesolithic* periods; a concern also shared by the County Council's in-house adviser on archaeological matters. On the basis of the site being thought to be likely to contain waterlogged and well preserved remains which would be at risk from dewatering and increasing acidity of ground water, *Historic England* deemed the application to require a high level of justification and comprehensive level of understanding of the proposed site. Until such information was provided by the applicant, *Historic England* maintained a holding objection against the proposal. Subsequently, in 2020, the required information was submitted by the applicant including a revised '[Archaeological and Heritage Desk Based Assessment](#)', '[Report on Archaeological and Geoarchaeological Investigations](#)', a '[Setting Assessment](#)' and a '[Written Scheme of Investigation Archaeological Strip, Map and Record](#)'.
- 7.35 It is well understood and acknowledged that the preparation of assessments and the investigation of archaeological matters including geophysics, field walking, trial trenching and archaeological analysis of the results can take some considerable time to compile and therefore, the processing of the application had been held in abeyance between the outcome of the initial consultation on the original submission in 2017 and the receipt of the revised submissions in 2020. Notwithstanding, this provided the opportunity to ensure that as much information as was reasonably possible to acquire would allow for an informed assessment of the effects of the proposed development; ultimately, providing a basis upon which to form conclusions on the part of the expert advisers and, consequently, allowing for that which is desired by **NPPF(2021) Paragraph 203** i.e. allowing "*balanced judgement ... having regard to the scale of any harm or loss and the significance of the heritage asset*".
- 7.36 Following the submission of the revised information, it was confirmed that there existed "*no, known, nationally important archaeological remains located on the site to prevent development*" and "*no palaeochannel, which could indicate prehistoric activity*". However, evidence of an enclosed settlement associated with *Romano-British* artefacts was found on the site. While one of the conclusions of the revised submitted assessments found substantial harm to non-designated archaeological deposits (identified within the proposed extraction area, during the *Evaluation by Trial Trenching*), the significance of the deposits, overall, was deemed to be '*local*' and incapable of justifying '*in situ preservation*', but nevertheless would require mitigation in the form of recording.
- 7.37 The County Council's in-house adviser on archaeological matters confirmed, following receipt and scrutiny of the further information, that a balanced planning judgement would now be possible because sufficient new information now existed; noting the revised information to be thorough and that, provided a suitable mitigation strategy is secured and a suggested condition imposed, the asset's significance did not preclude the proposed development. *Historic England* similarly acknowledged the revised submission to be a clear, authoritative and cogent assessment of the archaeological character and potential of the site; agreeing with the revised submission's conclusion that the affected *Mesolithic* deposits are '*not likely to be of national importance*', but data from late and interglacial periods would be important and moving away from the previous standpoint of objection.
- 7.38 Other than the comments offered up in response to consultation, there have been no other representations made in respect of the proposal in terms of its potential effects upon matters of archaeological importance. In light of the above and, in the absence

of any outstanding matters of archaeological interest or representations raising other material considerations to indicate otherwise, the application is considered to comply with **MWJP Policy D08**, **SBLP Policy DEC5** and **SBLP Policy DEC6**. The application includes appropriate recognition of the archaeological significance of the site and acceptable mitigation. Whilst there had been a holding objection on the basis that the significance of the site had not been fully assessed and that the proposal is speculative, the additional work undertaken by the applicant has satisfactorily established the principle that the site is not likely to be nationally significant and that useful archaeological information could be secured from additional work associated with the scheme secured by condition. In brief, the mitigation involves the submission of a pre-commencement written scheme of further investigation of archaeological field work, analysis and publication of finds and, to this end, attention is drawn to draft condition no.s 39 to 41 within the *Schedule of draft Conditions* within Section 9.0 of this report.

- 7.39 With regards possible impacts upon the wider historic environment, over and above the archaeological landscape, the earlier mentioned '*development plan*' policies of **MWJP Policy D08**, **SBLP Policy DEC5** and **SBLP Policy DEC6** are engaged. Again, as with the case of archaeological matters, the built historic environment, in accord with *NPPF(2021) Paragraph 203*, has been subject to assessment. Six designated heritage assets exist within two kilometres of the proposed development area including the *Seamer Conservation Area*, the site of the *Manor House Scheduled Monument*, one *Listed Building (Grade I)* and four *Listed Buildings (Grade II)*. The submitted '[Setting Assessment](#)' concluded, *inter alia*, the significance of the majority of the heritage assets identified would be unaffected by the proposed development given the separation distances and the presence of woodland which '*block*' long views and that the application would safeguard against being a source of harm to the significance of any designated heritage asset within the study area. Of those assets studied in more detail, no detractor from an overall appreciation or negative impact upon the experience of *Ayton Castle* (a scheduled monument and listed building and of national importance of more than 3.2 kilometres distant) would arise; concluding a negligible effect on setting and no effect on its significance or appreciation. The immediate setting of the *Staxton Entrenchment* (a distance of 3.5 kilometres) was assessed as making the heritage asset impossible to identify, current views render an absence of contributing to appreciating its value and the impact on its setting by the proposed development deemed negligible with no effect upon its significance and, lastly, the presence of '*bowl barrows*' (some 4.5 kilometres distant) could not be discerned in the landscape and assessed as avoiding any negative impact upon either appreciation or setting. The impacts, overall, having been assessed as being negligible and avoiding being a source of harm to the significance of any designated heritage assets, are not therefore considered to be significant .
- 7.40 While acknowledging there had been an initial holding objection on the grounds of the potential harm to the sensitive nature of this particular locality which was later revised to advice and observation, regard has been had to the relative low level nature of the proposal (in terms of long-distance views of any plant and or machinery proposed to be used as part of the mineral extraction operation) as well as the separation distances from the *Seamer Village Conservation Area*, the *Manor House (scheduled ancient monument)* and the five nearest listed buildings (the nearest being the designated heritage asset 1.2 kilometres distant) together with the visual screening provided by the hedgerows and buildings in the intervening distances. It is not, therefore, considered that the development would have a substantial adverse impact on the setting and/or significance of any designated or undesignated heritage assets. As such, it is not considered that the application would give rise to any conflict with the '*development plan*' policies of **MWJP Policy D08**, **SBLP Policy DEC5** and **SBLP Policy DEC6**; all of which require that proposals should conserve and enhance the historic and built environment.

Flood risk, drainage, water quality and resources

- 7.41 Within this locality, there is a network of canalised water courses, cuts and drainage dykes draining the land for agricultural use from its original wetland state beginning before 1859. There are field drains to the west, south and much of the east boundaries of the site and, as such, the site drains into the larger *Seamer Drain* some 100 metres to the west which eventually feeds into the *River Hertford* and then into the *River Derwent*. The surface water is isolated from the main watercourse by the four boundary drains.
- 7.42 The 'development plan' policies most relevant to the consideration of the application insofar as potential impacts upon hydrology and hydrogeology include **MWJP Policy D09** ('Water environment'), **SBLP Policy ENV3** ('Environmental risk') and **SBLP Policy ENV4** ('Groundwater protection'); all of which seek to ensure against any unacceptable impacts upon surface or groundwater quality and/or surface or groundwater supplies and flows.
- 7.43 A *hydrogeological and hydrological assessment* has accompanied the application documentation. In brief, it sets out that the sands and gravels are not in hydraulic continuity with the strata below and the proposal is, therefore, not considered to be a significant risk to ground water resources. Quarrying, as a proposed land use, is considered to be compatible with the flood risk zone in which it is situated, the method of working with a backacter on a platform would serve to provide some flood capacity and any dewatering would be at a rate less than the run-off rate that would have existed prior to the working of any mineral. Indeed, even in the event of any flooding from overtopping of the nearby drains, the sand, in itself, is not considered to be a contaminant, notwithstanding objections having been raised by local residents concerning the possibility of watercourse contamination.
- 7.44 The application also includes a *Flood Risk Assessment (FRA)*. In brief, it states that sand and gravel workings are classed as a *water compatible development*; furthermore, that the site is effectively an island within the field drains. It lies in *Flood Zones 1 & 2* and, with bunds at the lower level, it would isolate the proposed quarry from flood events of a frequency of 1 in 1000 years. Lost flood capacity from the proposed quarry would return once the first 5,000m³ had been excavated, as the void would be below the flood level. The pumping of water, when required from the site, would be limited to standardised *greenfield run-off rates*. The applicant's appointed consultant undertook the requisite *Sequential Test* concluding the works would not lead to a loss of flood capacity and that, moreover, being a sand and gravel working (a water-compatible development), an *Exception Test* is not required. The *Yorkshire & Humber Drainage Board* have returned no objections provided that the maintenance of easements continues with their being free from obstruction and the discharge rates limited to an agricultural rate of 1.4 litres per second per hectare (1.4l/s/ha). The *Board* proposed to deal with the actual design of the outfall in the event of any associated *Land Drainage Consent* application being submitted. Furthermore, the *Environment Agency* have confirmed the proposed development would be subject to an *Environmental Permit* which would necessitate the preparation of a *Hydrological Report*; however, it too conveyed no objections at this planning stage provided certain conditions are applied relating to the monitoring of both ground and surface water should planning permission be forthcoming. *Yorkshire Water Services Limited* also confirmed in response to consultation that there was no requirement to provide any observation comments. Although concerns of water contamination have been expressed by those in objection to the proposed development, taking the comments of those consulted on the application in respect of issues relating to the water environment and the conditions which have been recommended to be imposed (Members' attention is drawn to draft condition no.s 8 to 10 (inclusive) and informative no.s 1 to 3 (inclusive)), the proposal is not considered to give rise to an unacceptable

flood or drainage risk; thereby rendering the proposal compliant with the relevant 'development plan' policies of **MWJP Policy D09** ('Water environment'), **SBLP Policy ENV3** ('Environmental risk') and **SBLP Policy ENV4** ('Groundwater protection').

Landscape and visual impacts

- 7.45 The relevant 'development plan' policies against which to assess the proposed development and its impacts in respect of landscape and visual impact include **MWJP Policy D02** (in respect of visual intrusion), **Part 3** of **MWJP Policy D04** (insofar as avoiding unacceptable harmful effects on the setting of *North York Moors National Park*), **Parts 1 & 2** of **MWJP Policy D06** ('Landscape'), **Part viii** of **MWJP Policy D11** ('Sustainable design etc.), **SBLP Policy ENV5** ('The Natural Environment'), **SBLP Policy ENV6** ('Development affecting the countryside'), **SBLP Policy ENV7** ('Landscape protection & sensitivity') and **SBLP Policy ENV8** ('Green infrastructure'). In particular, both SBLP Policy ENV6 and SBLP ENV7 require proposals to safeguard against harmful effects to the setting of the designated area of the *National Park* and all landscapes, more generally, and protect both landscape character and appearance of the open countryside as well as protecting the distinctiveness or special features of a particular landscape character. **SBLP Policy ENV7**, moreover, seeks to ensure that proposals both protect and enhance the distinctiveness or special features of a particular landscape character. The [North Yorkshire and York Landscape Characterisation Project](#) (May 2011) notes the area as *Open Carr Vale Farmland* where the landscape is criss-crossed by a network of canalised watercourses, drains, cuts and dykes which drain the area and is subject to pressure from the extraction of sand and gravels. The *Project* recommends maintaining a high water table to preserve archaeological remains together with the planting of hedges and re-creation of a wider range of habitats for birds, insects and water voles. To this end, the proposal provides for measures which aim to prevent the drying out of soils and damage to archaeological evidence by the preservation of the high water table, the provision of new hedgerows as well as a pond to improve ecological habitat at the restoration phase of the proposed development.
- 7.46 The submitted documentation includes a [Landscape and Visual Impact Assessment](#) (LVIA) which points to the most significant visual effects of the proposed development being from middle-distance views from the *Vale of Pickering* and to north and west. Landscape impacts are distinct from visual impacts in that they relate to changes in the fabric, character and quality of the landscape; whereas, visual impacts relate to specific changes in views and the attendant impacts therefrom upon others, such as those living near a site or those enjoying the outdoors along public footpaths by way of example. Existing hedgerows bound the proposed site both to the south and the west. Groups of trees within the vicinity of the proposed site include a belt of deciduous woodland (identified as W5) (some 19 metres in height) forming the northern section of the north-south aligned eastern boundary of the area of proposed mineral working; this woodland belt's southern section (identified as W6) reduces to some 13 metres in height); the woodland block in the centre of the proposed site which virtually dissects the area in two comprises, in part, mature *Scots Pine* (identified as W3) of approximately 15 metres in height and the other part of mixed woodland (identified as W4) of some 13 metres in height; and in the north-west corner of the proposed site lie two groups of woodland; one, an area of *Scots Pine* (identified as W1) some 10 metres in height and the other an area of mixed woodland (identified as W2) also estimated to be 10 metres in height. All of these areas of woodland prevent views of the proposed site from the north-west, south, south-east, east and north-east directions and lie outwith the red line boundary of the proposed development and, therefore, not directly affected or impacted by the proposed development.
- 7.47 Local residents raising objections against the proposed development have done so on the grounds that, in their view, the proposed development would be intrusive and have

an adverse visual impact on the sensitive flat landscape of 'The Carrs' as well as harming views from a number of viewpoints. However, the LVIA has been subject to scrutiny by the County Council's in-house adviser on landscape matters who, while requesting further information from the applicant against which to assess the proposed development's landscape impacts, subsequently returned comments raising no objections (a view with which the County Council's Arboricultural Officer has concurred, once their concerns had been addressed); though, nevertheless, suggesting the inclusion of a number of planning conditions, generally covered by draft planning condition no.s 7 and 26-40 (inclusive) including those relating to the limiting of the heights of stockpiles to a maximum of 12 metres above adjoining ground level, safeguarding of soil resources, their treatment, stripping, handling & replacement, landscape, restoration and after-care. Natural England also returned comments including that the proposed working, restoration and aftercare arrangements were deemed to be satisfactory and meeting good practice and, similar to the County Council's adviser, offered no objection to the proposed development.

- 7.48 In terms of transient visibility, the site lies in relative close proximity to the trunk road network where it is likely that the majority of vehicle movements will not need to pass along remote rural roads or through *Seamer* village. It also lies close to the *York-Scarborough* rail line where there is a corridor of transportation activity rather than in an area of more tranquil countryside.
- 7.49 It is acknowledged that while middle-distance views would be substantial during the operational period of the proposed development, few visual receptors have been identified, viewpoints from which to see the entire site of the proposed development are unable to be obtained and the impact would be for a temporary ten (10) year period. It is considered that proposal's general site design makes good use of the visual screening effect of the existing three groups of trees to minimise visual impact upon the locality. It also provides good segregation from the working agricultural operations at *Raincliffe Grange Farm (Low Raincliffe Farm)* and *Seamer Carr Farm* and other commercial businesses along the B1261 *Seamer Road*. Similarly, there is also a reasonable separation distance from the nearest residential properties on the B1261 *Seamer Road*. The use of good practice by bunding to the northern, western and southern outer boundaries, together with the eastern boundary screened by an existing tree belt, provides for the preservation of existing on-site soil resources for later site restoration purposes, additional visual screening and separation from water channels. The topsoil bunds (up to four metres high) and subsoil bunds (up to six metres high) proposed to be retained for longer than three months, are to be seeded with a grass ley seed mixture and maintained. A *Biodiversity Management Plan* is proposed to be obligated under the terms of [a proposed S106 legal agreement](#) which sets out a number of measures to mitigate landscape impact including: how the restoration scheme will enhance landscape character, operational protection measures for trees and new planting including during different phases, improvement of the *Carr* woodland plantation and contingency measures to ensure the restoration scheme achieves the enhancement objectives.
- 7.50 Furthermore, while acknowledging the highest part of the proposed processing plant at eleven metres would be capable of being seen over the six metre high soil bunds, it is considered it would be seen as being '*back-dropped*' by the existing tree belt which is approximately thirteen metres high and would only have an effect during the operational phase. No equipment is proposed to remain upon the cessation of mineral working. The proposed dedicated haul road would be installed parallel to the existing farm access just inside an existing field boundary with sparse hedge trees and the site's perimeter is proposed to be reinforced to create another strong field boundary feature. As such, the objections which have raised concerns about the plant and new track being obtrusive in a flat landscape are considered to be outweighed in this

particular instance when taking into account the spatial and topographical context of the proposed site.

- 7.51 From higher ground, visual vantage points on the southern edge of the *North York Moors and Northern Wolds* escarpment ridge, the site is viewed in the wider context of sand and gravel workings at *Wykeham Quarry* and, as such, would not represent wholly new obtrusive mineral workings; particularly given the existing tree cover to the central section of site and along its eastern boundary. Consequently, the proposal is considered to avoid any undue harmful impact on the distinctiveness or special features of the *Open Carr Farmland* landscape character of the area and, furthermore avoid any unacceptable impacts upon the wider landscape and the setting of the *National Park* so as to achieve compliance with the 'development plan' policies of **MWJP Policy D02** (insofar as relates to visual intrusion), **MWJP Policy D04 (Part 3)** (insofar as avoiding unacceptable harmful effects on the setting of designated areas), **MWJP Policy D06 (Parts 1 & 2)**, **MWJP Policy D11 (Part viii)**, **SBLP Policy ENV5**, **SBLP Policy ENV6**, **SBLP Policy ENV7** and **SBLP Policy ENV8**; both SBLP Policy ENV6 and SBLP Policy ENV7 together seek, where development in the countryside requires a countryside location, to be so designed as to respect the distinctiveness of the landscape character of the area and would not have an unacceptable impact on the local environment or residential amenity respectively which is considered to have been achieved in this instance.

Biodiversity, habitats, nature conservation & protected species

- 7.52 Policies against which to assess the potential impacts of the proposed development upon the natural environment and in particular, biodiversity, habitats and protected species include **MWJP Policy D07** ('*Biodiversity and geodiversity*') which requires proposals to demonstrate that unacceptable impacts would not arise, **SBLP Policy ENV5** ('*The Natural Environment*') which seeks both species and habitat enhancement and **SBLP Policy ENV8** ('*Green infrastructure*') which seeks both protection and enhancement of corridors of green infrastructure.
- 7.53 Similar to many of the areas covered within the applicant's submitted *Environmental Statement*, matters relating to ecology have been subject to an [Ecological Impact Assessment](#). In brief, it states that the site overall has been found to be of 'low ecological value', being arable farmland. The surrounding hedgerows and woodland plantations are the best habitat for bats and birds and these are not affected by the proposed development. These areas are proposed to be protected by 20 metre wide stand-offs / buffers from the mineral working areas of the proposed quarry. The assessments are considered to satisfactorily address the identification of areas of ecological interest and any *Sites of Importance for Nature Conservation* (SINCs) are considered to be located a sufficient distance away from the site to be unaffected by proposed works on this site.
- 7.54 The applicant's proposed mitigation has incorporated a large new water body with emergent vegetation; a new area of grassland around the waterbody; 300 metres of new hedgerow planting and 400 metres of enhanced hedgerow; target habitats for *Scarborough Biodiversity Action Plan* (BAP).
- 7.55 Of those consulted by the County Planning Authority, both the County Council's in-house adviser on matters of ecology and the statutory experts within *Natural England* concur that the site is of low ecological value and have noted the biodiversity benefits within the restoration scheme and have sought to ensure there is a net benefit during the operational and, particularly during the post-restoration, phase. The *Yorkshire Wildlife Trust* considers further enhancements could be made and recommended that a *Biodiversity Management Plan* (BMP) be required to detail the improvements. Further

to this, the applicant has confirmed their agreement to the suggestion and the BMP has been identified as a requirement within the associated draft *S106 legal agreement*.

- 7.56 In terms of the representations received, support has been forthcoming insofar as welcoming the proposed ecological improvements and the benefit accruing to local area from the proposed wetland pond akin to the wetland for migratory birds at Wykeham.
- 7.57 **MWJP Policy D07, SBLP Policy ENV7 and SBLP Policy ENV8** taken together, seek to ensure schemes pay due regard to the local environment including ecology. The proposed mitigation measures including the retention of existing trees and operational stand-off areas of 20 metres and operational improvements (700 metres of new and reinforced hedging) and extensive ecological improvements post-restoration, as set out in the *Biodiversity Management Plan* are considered to comply with the relevant policies which direct the proposal to have due regard to the requirement to enhance the ecological value of the site in the longer term. As well as the consideration of the individual relevant criteria under this sub-heading in relation to the impacts of the proposal upon matters relating to ecology, **Part 8 to MWJP Policy D07** requires the consideration of the cumulative effects resulting from a combination of individual impacts from the same development and/or through combinations of impacts in conjunction with other development. In this particular instance, it is not considered that in-combination the effects of the development give rise to a greater cumulative effect than the sum of its parts; nor is it considered that there are any developments within the vicinity of the proposed site which together with that which is currently proposed would ensure that any significant cumulative effects upon interests of ecology would arise. Indeed, the measures proposed provide for biodiversity enhancement that would serve to strengthen the linkages between habitats through the planting of new hedgerow and creation of a water body and margins providing greater habitat opportunities resulting in the development being capable of bringing about positive cumulative effects. There is nothing which, during the processing of the application would give rise to a view counter to the conclusion of the applicant consultant's that the restoration scheme, as proposed, would be capable of providing a significant improvement of the habitat on the site for the benefit of all wildlife and enhancing the overall ecological value of the site. As such, it is considered that the proposal would not have a harmful impact on biodiversity, habitats, nature conservation and protected species and, moreover, would not conflict with the *Habitat Regulations 1994*. With this in mind, Members' attention is therefore also respectfully drawn to draft condition no.s 33 to 38 (inclusive) and the *Biodiversity Management Plan* (BMP) proposed secured through a *S106 Legal Agreement*.

Restoration, soils and agricultural land use

- 7.58 Those 'development plan' policies of most relevance in respect of the protection of soils etc. include **MWJP Policy D10** ('*Reclamation and afteruse*') and **MWJP Policy D12** ('*Protection of agricultural land and soils*'); both of which require a high standard of restoration to be achieved after the extraction of mineral and, in the case of the latter, where BMV land is affected that the land be subject to a high standard of aftercare in order to ensure that land of such value is reinstated and maintained for future agricultural purposes.
- 7.59 The application documentation has included an *agricultural land classification* and [Soil Resources Survey](#). The Survey indicated the site was on the edge of the boundary between *Grade 2* and *Grade 3* classified soils and with appropriate soil storage for the extraction period, the site (other than the pond) would be capable of being restored back to previous grade standard. With specific respect of *Best & Most Versatile Land* (BMV land), the Survey found *Grade 2* land (referred to by the applicant's consultant as being of '*Good Quality*') to exist mainly in the northern part of the site and to the

south-east of the southern part of the site (covering some 5.8 hectares). *Grade 3b* soils (referred to by the applicant's consultant as being of '*Moderate Quality*') were found to exist in the south-west of the southern part of the site approximately 5 hectares. The applicant has given assurances that no net loss of BMV land would occur as a result of the mineral working as proposed.

- 7.60 The expert views of the statutory consultee in this instance, *Natural England*, have been sought and noted the appropriateness of the applicant's intention to restore the site to an agricultural afteruse and, with particular reference, that the BMV land would be restored to a similar quality productive agricultural land. Also in response to consultation, the County Council's in-house adviser on landscape matters considered that restoration should be required to *Grade 2* standard. In land use planning terms, this is considered to be reasonable and recommended planning conditions within Section 9.0 to this report seek to deliver this, along with appropriate soil storage arrangements. The site's afteruse is proposed to be an agricultural one incorporating a lake as well as wetland margins for amenity use. In land use planning terms, this is considered to be acceptable and consistent with the policy requirements of ***MWJP Policy D10*** and ***MWJP Policy D12***. As well as the consideration of the individual relevant criteria under this sub-heading in relation to the impacts of the proposal upon matters relating to reclamation and afteruse, ***Part 1 (iii)*** to ***MWJP Policy D10*** requires the consideration of the cumulative effects when considering the restoration and/or afteruse potential effects both positive and adverse. Taking into account the elements of the restoration scheme providing for the reinstatement of the best of the soil resources of the site and the creation of a lake and wetland margins, positive effects are considered to be capable of being realised especially cumulatively when taking into account the mosaic of habitats being created through this and other minerals-related developments further afield which though a distance apart may well provide additional habitat and foraging for birds and other migrant species. The cumulative effects of the proposed restoration and/or after-use are considered to be positive, rather than adverse, in this particular instance. Members' attention is therefore respectfully drawn to draft condition no.s 37 and 38 to ensure appropriate agricultural and wetland restoration and aftercare is achieved.

Climate Change

- 7.61 ***MWJP Policy D11*** requires developers to explain how climate change has been taken into account. The applicant's submitted *Environmental Statement* accompanying the application has demonstrated how the proposal has been designed taking into account the need for resilience to climate change factors, including the assessment of the proposed development in terms of flood risk, energy use, waste production and recycling, water availability and resource use more generally, concluding the vulnerability of the proposal to climate change as not being significant with some positive effects through haulage reduction and additional flood storage capacity. Having regard to the embedded mitigation, the proposed development is unlikely to have any significant and consequently unacceptable adverse impact upon emissions to water, soil or air resources and little waste would be generated. The proposal is considered to have demonstrated to have incorporated measures appropriate and proportionate to the scale and nature of the proposed development such that its method of operation and working practices address the criteria which form ***Part 1)*** of ***MWJP Policy D11*** and with particular attention being paid to, where possible to do so, minimising emissions of all types, minimising waste and impacts upon the natural environment and residential amenity as well as realising enhancements to both the landscape and the natural environment to tackle climate change.
- 7.62 Together with the minimising of the use of fuel in the operations and minimising of the consumption of water (and the protection of water resources in any dewatering activity), one of the identified benefits from the development within the supporting

information can be found in the reduction in the current sand and gravel haulage arrangements that the applicant uses to serve the two existing concrete plants. It has been estimated that there would be an annual saving of a calculated 237.94 tonnes of carbon across the county from reduced mineral haulage between the applicant's proposed sand and gravel source and existing concrete facilities at *Hunmanby* and *Malton/Norton-on-Derwent* (if an emissions factor for carbon produced by rigid HGVs over 17 tonnes is applied of 0.20916 t/km). Whilst acknowledging concrete-making represents a contributor to climate change, refusing this application on this ground alone is not considered to be reasonable as sand would continue to be hauled from *East Yorkshire* to serve those previously identified plant sites and therefore a decision in favour of the proposed development is considered capable of according with the climate change objective of **MWJP Policy D11**.

Cumulative effects

- 7.63 The assessment of the cumulative and/or in-combination effects of a proposed development is a requirement of the regulations pertaining to environmental impact assessment and the cumulative effects assessment forms a focus of attention within the applicant's submitted *Environmental Statement*. The parameters of impact studied include magnitude, extent, duration, reversibility, timing and frequency of the effects of the proposed development. Cumulative impacts may be defined as effects on any interest of acknowledged importance that result from incremental changes arising from a combination of past, current and reasonably foreseeable future developments. Over time, direct and indirect human activities combine to collectively impact the environment. The assessment summarises whether a sensitive receptor group (e.g. local residents or a particular species for example) is exposed to more than one type of residual effect during the phases of the proposed development.
- 7.64 The submitted *Environmental Statement* included an examination of the potential cumulative effects and interactions and focused and examined only residual (after mitigation) effects using consideration of the development's and other development's cumulative effects and interactions including over time and spatially; the sensitivity, value or importance and susceptibility to effects of resources or receptors. It considered whether different types of effect would occur and interact, such that it altered their significance; whether effects would be temporary or permanent in duration; their timescales and if the frequency of effects would be intermittent or constant in order to establish which effects would require additional mitigation in order to reduce their significance and the degree of certainty relating to any identified effects. In terms of potential cumulative effects, each of the topics considered within the *Environmental Statement* have been considered against the relevant cumulative effects.
- 7.65 With respect to the policies that comprise the 'development plan', the assessment of the cumulative effects of the proposed development, in this particular instance, include **MWJP Policy D02** ('Local amenity and cumulative impacts'), **MWJP Policy D03** ('Transport of minerals and waste and associated traffic impacts'), **MWJP Policy D07 (Part 8)** ('Biodiversity and geodiversity'), **MWJP Policy D10 (Part 1 (iii))** ('Reclamation and after-use') and **MWJP Policy D14** ('Air Quality') and **SBLP Policy ENV3** ('Environmental Risk') and **SBLP Policy ENV8** ('Green infrastructure').
- 7.66 Insofar as any possible cumulative effects with regards to noise, none have been found to arise due to the separation distances from noise-sensitive receptors and those that are anticipated to arise have been assessed as being "unlikely to be the source of complaint". Similarly, significant cumulative impacts due to dust are also considered unlikely to arise in the immediate vicinity of the haul site access and site haul road. The effects would not be considered significant, since no receptor has been anticipated as potentially experiencing effects greater than the largest single residual effect. Neither

have any significant cumulative effects been assessed to potentially arise from the associated vehicle movements proposed to be generated.

- 7.67 The assessment, having established, overall, there to be no significant *intra-project* cumulative effects turned to another aspect to the assessment of cumulative effects which is *inter-project* as opposed to *intra-project* as outlined above. In this particular case, the applicant has considered the existence of other similar developments which, together, could potentially give rise to cumulative effects. A sand and gravel working, *Wykeham Quarry*, lies some 1.4 kilometres to the west of the proposed development and this uses a dragline excavator and a field conveyor for the transport of mineral to the area of the processing plant. However, the proposal under consideration in this particular instance is relatively modest in scale. The assessment undertaken to support the current proposal found that views where both sites would fall within the same vista, i.e. cumulatively, would be likely occur at middle and more distant viewpoints rather than shorter distances (and varying visibility with elevation and distances over 3 kilometres, but only in panorama) and, even then, views would not be unhindered by dint of the existence of elements within the landscape such as trees, woodlands and hedgerows. Notwithstanding an acknowledgement that for the duration of the mineral working activities, such an effect would be *substantial negative*, the assessment, with which there is no view to the contrary, concluded the site's cumulative landscape effect combined with *Wykeham Quarry* would be capable of avoiding any exceedance of the site's sole effect significance and upon the achievement of restoration would become an effect of *moderate positive*.
- 7.68 While changes in the landscape are an inevitable consequence for the duration of mineral operations, they would not necessarily be '*unpleasant to the eye*' and, the perception of those changes are likely to be most noticeable to those residing nearest the site (the closest being some 400 metres from the proposed mineral working area). While the assessment acknowledges the likelihood of significant visual effect, this effect is likely to lessen over time once the proposed landscaping has had the opportunity to mature and the mineral working becomes '*absorbed*' within its landscape context. When viewed on balance and being mindful of reasonableness, it is considered, in this particular instance, that the issues specifically relating to the proposed development's potential cumulative effects have been addressed sufficiently satisfactorily in relation to the assessment of landscape and visual effects. It is acknowledged that a degree of cumulative impact would occur within the area in terms of the duration of operations within this location. However, these impacts are weighed against both the need for the mineral and the positive biodiversity outcomes achievable upon and beyond the site's restoration.
- 7.69 As well as an assessment of the potential for cumulative impacts upon the landscape, a further assessment has been undertaken of the effects upon matters of ecological interest cumulatively. The conclusion, with which there is no disagreement, is that in light of the '*starting position*' of low ecological value and subsequent reinstatement and enhancement of biodiversity, there are considered to be no significant cumulative ecological impacts arising from the proposed development.
- 7.70 In light of the above, it is considered to be the case that any potential negative cumulative effects have been appropriately assessed as being limited in their significance rendering the proposed development capable of compliance with the relevant policies of the '*development plan*' namely ***MWJP Policy D02***, ***MWJP Policy D03***, ***MWJP Policy D07 (Part 8)***, ***MWJP Policy D10 (Part 1 (iii))*** and ***MWJP Policy D14*** and ***SBLP Policy ENV3*** and ***SBLP Policy ENV8***; all of which seek the consideration of cumulative impacts when determining applications.

8.0 Conclusion

- 8.1 In terms of minerals provision, published information from the *Yorkshire & the Humber Regional Aggregates Working Party* estimates sand and gravel landbanks in the south of the county to be in the region of eleven years and five years in the north. It is silent on the issue of eastern provision. Given the positive support from the *Inspector* into her *Examination of the Minerals & Waste Joint Plan* recognising that the potential for flexibility in the sustainable location of supplies of sand and gravel resources, including in the eastern part of the county, is warranted, it is considered that there is no harm to the objectives of sand and gravel policies (**MWJP Policy M03**) to warrant refusal of this application. The granting of permission for this proposal, which is relatively modest in scale, is not considered to prejudice the sites allocated within the *Plan* over the period of the *Plan*. It is also considered that there lies support within NPPF(2021) which affords ‘great’ weight (**Paragraph 211**) for mineral development to ensure the steady and adequate supply to market and to support the national economy.
- 8.2 The documentation accompanying the application includes an *Environmental Statement* (ES). In brief, the ES concludes that the only significant impacts are those in respect of landscape where the character and appearance has, during the extraction operations, been assessed as having a *substantial negative* impact, but, after restoration, this assessment changes to *moderate positive*. It also sets out there would be no significant impacts upon environmental and amenity interests, but recognises that there would be a loss of some locally-important archaeological resources. However, these are mitigated by the extensive archaeological research including boreholes undertaken to understand the significance of the site during the time of *Lake Pickering* when the whole area was subject to lakeside colonisation.
- 8.3 Archaeology is therefore an important consideration in regards this current proposal, **SBLP Policy DEC6** seeks to ensure archaeology is properly taken into account and appropriate mitigation is included. Extensive investigations including geophysics and trial boreholes have been undertaken to demonstrate that the development would not harm important archaeological resources and that additional new information can be gleaned. The *Vale of Pickering* is important nationally in archaeological landscape terms. The detailed studies have demonstrated that this particular site is not likely to be of any national significance and, subject to the mitigation set out in the application, the development and restoration is capable of avoiding any significant conflict with **SBLP Policy DEC6**. While acknowledging concerns had been expressed by *Historic England* about the absence of any allocation within the *Joint Plan* and the presence of a healthy landbank as well as pointing to the possibility of further future minerals proposals (a consideration which must be disregarded as each application must be considered upon its individual merits), those concerns did not give rise to a continued objection and instead later comprised advice to the Planning Authority. The judgment on this particular point, therefore, is one that instead lies with the Planning Authority and, in this particular instance, the balance of argument is considered to fall in favour of the approval of this application in light of the conclusions of the archaeological impact assessment and the measures proposed in mitigation as explained in the paragraphs above.
- 8.4 **MWJP Policy D11** seeks to ensure the usual operational development management issues of landscape impact, residential amenity, noise, dust, biodiversity, water environment, soil quality, historic assets, climate change are appropriately addressed through the proposal’s methodology and, where appropriate incorporate mitigation measures to address these issues. The accompanying *Environmental Statement* submitted to accord with the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) has been considered and, to the extent that the associated issues are considered to have been reasonably addressed, they do not warrant refusal of the application. It is considered that due regard has been had to

safeguarding against significant landscape harm, protection of residential amenity, soil handling, lighting, dust, noise and retention of existing trees and ecological habitats such that these do not warrant refusal of the proposal and that the objections raised during the public consultation have been duly addressed by the application documentation, additional documentation, the draft conditions and the associated draft *S106 Legal Agreement*.

- 8.5 A key local issue has been the potential for additional HGV movements through *Seamer* village. As the application is sought to essentially serve the applicant's existing concreting plants at *Hunmanby* and *Malton/Norton-on-Derwent*, the application envisages HGV lorry routing restrictions of only two (2) wagons per day through the village to serve potential local deliveries with the remainder turning onto the A64. With this restriction, it is considered that the highway traffic impacts on the village would be minor and would not warrant refusal of the application on this ground.
- 8.6 The proposal, whilst not an allocated site in the *Joint Plan* or an extension, is nevertheless acceptable, provides sustainability and economic benefits and does not compromise any of the *Joint Plan's* strategic objectives and is considered to meet the requirements of ***MWJP Policies M01-4 (inclusive)*** and ***MWJP Policy M07***, specifically ***Part 3***). The proposal is also considered to accord with ***MWJP Policies D01, D02, D03, D07, D09, D10*** and ***D14***. In respect of the development's impact upon the setting of protected landscapes, as identified within ***MWJP Policies D04*** and ***D06***, the impact is slight and there is no net loss of BMV soils as is required by ***MWJP Policy D12***. In addition, the archaeological resource of the *Vale of Pickering* is protected from any significant adverse impact rendering compliance with ***MWJP Policy D08*** and in respect of ***MWJP Policy D11*** the proposal can demonstrate a positive benefit in terms of minimising greenhouse emissions connected to the transport of minerals.
- 8.7 The expert opinions returned are either ones of '*no objections*' or '*no objections subject to conditions*' in respect of the proposed development (Section 4.0 above refers). The consultation responses received by the County Planning Authority are the views expressed by experts in their respective fields and have returned their independent and impartial opinions insofar as their individual areas of expertise. Upon reviewing the submissions of expert consultants appointed in support of the application, those consulted by the County Planning Authority have accepted the findings of the applicant's experts and are satisfied that the mitigation of possible effects (including cumulative effects) of the development are both appropriate and proportionate.
- 8.8 Planning conditions that have either been offered up by the applicant, on a '*without prejudice*' basis or recommended by those consulted by the County Planning Authority to be imposed (as discussed within preceding paragraphs of this report), should Members be minded to grant planning permission, would in themselves, individually and collectively, serve to safeguard against any adverse significant effects (including cumulative and/or '*in-combination*' effects) upon interests of acknowledged importance arising from the proposed development. Again, due regard has been had to the '*six tests of conditions*' i.e. necessary, enforceable, precise, relevant to both the development and to planning and reasonable in all other respects (*Paragraph 56* of NPPF(2021) refers) when considering the suggested conditions in their draft form.
- 8.9 In summary, it is considered that there are no material planning considerations to warrant the refusal of this application for the purposes of "*the extraction and processing of sand and gravel from new quarry (11.9 hectares) including the construction of a site access road, internal haul road, mobile processing plant, site office, soil storage bunds, lagoons, stockpile area and restoration to agriculture and lake*", for the reasons mentioned above, it is therefore considered that, the proposed development represents a sand and gravel working modest in scale, capable of making a small and useful additional contribution to sand and gravel resources in the eastern part of the county

and 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

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

Obligations under the Human Rights Act

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

9.0 Recommendation

9.1 For the following reasons:

- i) the proposal complies with [Minerals and Waste Joint Plan](#) Policies: M01 (*Broad geographical approach to supply of aggregates*); M02 (*Provision of sand & gravel*); M03 (*Overall distribution of sand & gravel provision*); M04 (*Landbanks for sand & gravel*); M07 (*Meeting concreting sand & gravel requirements*); 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*); D04 (*Development affecting the North York Moors National Park and the AONBs*); D06 (*Landscape*); D07 (*Biodiversity and geodiversity*); D08 (*Historic environment*); D09 (*Water environment*); D10 (*Reclamation and after-use*); D11 (*Sustainable design, construction and operation of development*); D12 (*Protection of agricultural land and soils*); D14 (*Air Quality*) and with [Scarborough Borough Local Plan](#) Policies: SD1 (*Presumption in favour of sustainable development*); DEC4 (*Protection of amenity*); DEC5 (*Historic & Built Environment*); DEC6 (*Archaeology*); ENV3 (*Environmental Risk*); ENV4 (*Groundwater Protection*); ENV5 (*The Natural Environment*); ENV6 (*Development affecting the countryside*); ENV7 (*Landscape Protection & Sensitivity*); ENV8 (*Green infrastructure*) and INF3 (*Sustainable transport and travel plans*) as well as consistent with those paragraphs of the NPPF(2021) identified above.
- ii) the proposal does not conflict with the abovementioned policies as it is considered that the highway network is capable of handling the volume of traffic anticipated to be

generated by the development; the visual impact of the proposed development can be mitigated through the design of the proposal and conditions; the environmental impacts of the proposed development are capable of being addressed by the measures in mitigation and the impact on any neighbouring residential properties can be similarly mitigated. Any adverse impacts are outweighed when considered against the provision of a steady and adequate supply of sand and gravel to the market 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 prior completion of a *S106 Legal Agreement* to cover the:
 - preparation and submission of a *Biodiversity Management Plan*;
 - implementation and observation of the traffic restrictions;
 - compliance with the requirements of the *Scheme of Archaeological Investigation and Publication*; and,
 - working, restoration and management of the land in accord with the approved aftercare schemes and *Biodiversity Management Plan* for the duration of the management period being twenty-five (25) years from the completion of restoration works in each phase of mineral working.

and the following conditions:

Schedule of draft conditions

Statutory time limit:

1. The development to which this permission relates must be implemented no later than the expiration of three (3) years from the date of this Decision Notice.

Reason: To allow for the sequence of mineral extraction in accordance with the provisions of Section 91(1)(b) of the Town & Country Planning Act 1990 (as amended).

Duration of permission:

2. The permission hereby granted is valid until ten (10) years after the date of 'commencement of development' required to be provided by condition no. 4 below and the development hereby permitted shall then be discontinued. Any structures, plant and machinery shall be removed from the site before that date and the site shall be restored in accordance with the application details and the requirements of this permission by that date or within twelve (12) months following the abandonment of the site, whichever is the sooner.

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.

Definition of development:

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 17th November 2017, as subsequently amended during the processing of the planning application and the following documents:

<u>Drwg / Doc ref. no.</u>	<u>Rev.</u>	<u>Date</u>	<u>Title</u>
CW RG 1615 7	-	July 2017	Site Plan showing existing land use
CW RG 1615 8	A	Jan 2020	Site Plan – Phase One
CW RG 1615 9	B	Dec 2019	Site Plan – Phase Two
CW RG 1615 10		July 2017	Site Plan – Restoration Phase
CW RG 1615 11	C	09.07.18	Landscape Strategy Plan – post-restoration
CW RG 1615 12	A	15.07.18	Proposed Lake – Illustrative Sections
CW RG 1615 14	-	04.10.17	Application Plan
CW RG 1615 15	-	-	Typical Layout of Proposed Plant at Raincliffe
CW RG 1615 16	-	-	Typical Layout of Proposed Plant at Raincliffe
CW RG 1615 18	B	June 2018	Plans, Elevations & Sections
CW RG 1615 19	-	-	Indicative Route - Main St, Scarborough YO12 4PU to W. Clifford Watts Ltd – Whitewall Quarry
CW RG 1615 20	-	-	Indicative Route - Main St, Scarborough YO12 4PU to Watts Mix – Hunmanby)
CW RG 1615 21	-	12.07.18	Planting Plan – post-restoration (Sheet 1 of 2)
CW RG 1615 22	-	12.07.18	Planting Plan – post-restoration (Sheet 2 of 2)

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure that the development is carried out in accordance with the approved application details and to ensure that the development is undertaken with the minimum harm to the environment.

Prior notice of commencement of development:

4. No development shall take place until written notification of the commencement of development has been provided to the County Planning Authority at least seven (7) days, but not more than fourteen (14) days, prior to commencement.

Reason: This is a pre-commencement condition and one which is considered warranted and imposed to reserve the rights of control by the County Planning Authority.

Limitations to development:

5. Notwithstanding the provisions of *Part 17 of the Town and Country Planning (General Permitted Development) (England) Order 2015* (or any other Order revoking or re-enacting that Order), no fixed, static or plant or buildings shall be erected within the application site, except as provided for in the development hereby permitted, without the prior grant of planning permission.

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

6. With the exception of sand and gravel extracted from the existing workings, no rock or aggregate shall be imported into the site for stockpiling, processing or any other purpose.

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

7. No mineral stockpiles shall exceed a height of twelve (12) metres above adjoining ground level.

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

Protection of the water environment:

8. The development hereby permitted shall not be commenced until such time as a scheme to monitor groundwater and surface water levels using boreholes and trigger levels has been submitted to, and approved in writing by, the County Planning Authority. Thereafter, the monitoring shall be undertaken in strict accordance with the approved scheme. The scheme shall include the following details:

- details of baseline monitoring of groundwater and surface waters prior to the commencement of mineral extraction;
- logs showing the geology encountered and the construction of each borehole;
- the elevation of boreholes above ordnance datum;
- results of any groundwater level monitoring results;

- trigger levels set at a level where unacceptable impacts on surface water flows would not occur;
- ownership and maintenance arrangements;
- a program of measures to deal with any exceedance of agreed trigger levels;
- confirmation that monitoring shall continue during and after quarrying activities and continue until restoration is completed;
- confirmation that the results and interpretation of the monitoring should be presented in a report and submitted to the Planning Authority initially six (6) months from the scheme commencement date and thereafter at six (6) monthly intervals.

Reason: To reserve the rights of control by the County Planning Authority in the interests of the protection of ground and surface waters.

9. If the results of the monitoring as specified in condition no. 8 above indicate that dewatering is exceeding the trigger levels set within the approved scheme (as per condition no. 8 above), a programme of measures having first been submitted to and approved in writing by the County Planning Authority shall be implemented to rectify the situation.

Reason: To reserve the rights of control by the County Planning Authority in the interests of the protection of water resources.

10. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compounds shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of the inter-connected tanks plus 10%. All filling points, vents and gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

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

Highways:

11. There shall be no removal of quarried product from the site until an *Operational Traffic Management Plan* has been submitted to the County Planning Authority for approval and the *Plan* has been approved. Thereafter, the site shall only be operated in accordance with the approved *Plan*. The *Plan* shall incorporate the HGV routing restrictions set out in the associated S106 Legal Agreement (*date tbc*) and create an operational framework to deal with highway issues including:

- vehicle trip generation for the site;
- suitable vehicle routes for HGVs;
- parking arrangements for site operatives & visitors;
- details of loading/unloading areas;
- storage arrangements of plant and materials;
- details of measures to control the emission of dust and dirt e.g. vehicle washing facilities; and,
- details of measures to control or respond in the event of shed or over-topping of loads onto the public highway.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway

Construction of roads and footways (non-residential)

12. No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access shall be constructed to base course macadam level and kerbed and connected to the existing highway network. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the County Planning Authority in

consultation with the Highway Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

Discharge of surface water

13. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

Private Access/Verge Crossings: Construction Requirements:

14. Unless otherwise approved in writing by the County Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

- a. the details of the access shall have been approved in writing by the County Planning Authority in consultation with the Highway Authority;
- b. the existing access shall be improved by forming 15m radius kerbs, to give a minimum carriageway width of 7.3 metres, and that part of the access road extending 15 metres into the site shall be constructed in accordance with Standard Detail E60;
- c. any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway;
- d. that part of the access extending 15 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 30;
- e. provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges and,
- f. the final surfacing of any private access within 15m metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the County Planning Authority.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

Visibility splays

15. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 160m measured along both channel lines of the major road B1261 *Main Street* from a point measured 2.4 metres down the centre line of the access road. The eye height will be between 1.05 and 2.0 metres and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

Details of access, turning and parking:

16. Unless otherwise approved in writing by the County Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to

and approved in writing by the County Planning Authority in consultation with the Highway Authority:

- a. vehicular, cycle, and pedestrian accesses
- b. vehicular and cycle parking
- c. vehicular turning arrangements
- d. manoeuvring arrangements
- e. loading and unloading arrangements.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Wheel-washing facilities:

17. There shall be no access or egress by any vehicles between the highway and the application site until either vehicle wheel cleaning facilities have been installed on the access road to the site or it can be demonstrated that wheel cleaning is not necessary in accordance with details to be submitted to and approved in writing by the County Planning Authority. Any facilities installed in accordance with such approval shall be kept in full working order at all times. All vehicles involved in the transport of materials to or from the site shall be thoroughly cleaned before leaving the site so that no mud or other materials are deposited on the public highway.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Hours of operation:

18. No quarrying or associated operations, including transport of mineral from the site, shall take place except between the following times:

- 0630 to 1700 hours Monday to Friday and
- 0700 to 1200 hours Saturday

No quarrying or associated operations (other than maintenance) shall take place on Sundays or Bank and Public Holidays.

Reason: To ensure the appropriate control of the development by the County Planning Authority in the interest of the amenity of the local community.

Safeguarding against unacceptable noise impacts:

19. Subject to strict adherence, at all times, with the general mitigations measures (a) to (i) (inclusive) identified in the *Noise Assessment* (ref. no. R17.9515/3/JG, dated 17 August 2017), 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. Where earthmoving plant is operating in proximity to residential properties, non-audible reverse warning alarm systems shall be deployed.

Reason: To ensure the appropriate control of the development by the County Planning Authority in the interest of the amenity of the local community.

20. Noise levels due to site operations, including use of both fixed plant and mobile machinery, shall not exceed a level of 55 dB $L_{Aeq(1hour)}$ at any occupied property, but specifically at the following properties, the levels shown below shall not be exceeded:

Location	Proposed noise limit $L_{Aeq(1hour)}$
Seamer Carr Farm	49
Ryedale House	45
Huds Hills	41
Derwentdale Farm	42
Spittal Cottages	45
Raincliffe Grange Farm	51

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

21. Notwithstanding the noise limits imposed within condition no. 20 above, a temporary daytime noise limit of up to 70 dB_(A) $L_{Aeq,1hour}$ (free-field) at any residential premises is permitted for up to 8 weeks in a calendar year to facilitate essential site preparation and restoration work such as soil-stripping, the construction and removal of baffle mounds,

soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance.

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

22. Within 6 months of the commencement of mineral extraction, details of a scheme for monitoring of noise emitted from the site shall be submitted to the County Planning Authority. Such scheme shall indicate the location of all monitoring stations, identify the $L_{Aeq,1hour}$ (free-field) levels at each station, incorporate as appropriate those stations and $L_{Aeq,1hour}$ (free-field) levels contained in the submitted *Noise Assessment* (ref. no. R17.9515/3/JG, dated 17 August 2017) and provide for monitoring to be carried out at the approved locations at 3 monthly intervals. Between quarterly noise surveys, additional monitoring shall be carried out at the written request of the County Planning Authority. All results shall be available for inspection on request by the County Planning Authority and the annual summary of results shall be submitted to the County Planning Authority for consideration not later than 1st March in the following calendar year. The scheme shall be the subject of review, resubmission and approval at five (5) yearly intervals from the date of this decision.

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

23. In the event that the noise levels specified in condition no. 20 above are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps be taken to attenuate the noise levels to be in compliance with the requirements of condition no. 20.

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

Precautions to prevent generation of dust:

24. Prior to the first extraction of sand and / or gravel from the site, a written *Dust Management Plan* (to reflect good industry practice) shall be drawn up by the applicant to set out steps to be taken to ensure that the site and haul road are operated so as to minimise dust emissions, particularly during periods of high winds. The *Dust Management Plan* shall be made available for inspection for Officers of the County Planning Authority on request. The site shall not operate other than in accordance with the *Dust Management Plan*.

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

External lighting:

25. All external lighting shall be fitted with shrouds and fixed in a downward facing position and thereafter so maintained so as to prevent light pollution. Other than two (2) downward facing security lights up to a maximum brightness of twenty (20) lux, no external lighting shall be operated beyond thirty (30) minutes of the approved operational hours set out in condition no. 18 above.

Reason: To ensure the appropriate control of the development by the County Planning Authority both in the interest of the amenity of the local community.

Safeguarding soil resources, their treatment, stripping, handling & replacement:

26. Prior to the removal of any overburden or the extraction of mineral from any part of the land which is the subject of this permission, all available topsoil and subsoil shall be stripped and, when immediate placement is not possible, shall be stacked separately from each other for future spreading.

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

27. Topsoil and subsoils shall only be stripped, moved, replaced or cultivated when they are in a dry, friable and unfrozen condition to avoid soil smearing and compaction. Soils shall not be moved whilst wet.

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

28. Topsoil and subsoil shall be stored separately from each other in accordance with the application details or in such other locations as shall first be approved in writing by the County Planning Authority. All soils shall be handled in accordance with the guidance set out in DEFRA's '[Good Practice Guide for Handling Soils](#)' (2000).

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

29. All topsoil and subsoils shall be retained for the subsequent use in restoration of the site.

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

30. During soil movement and handling operations, machinery shall be routed to avoid the compaction of soils.

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

31. All undisturbed areas of the site and all topsoil, subsoil and overburden mounds shall be kept free from agricultural weeds and such measures as may be necessary shall be taken to control plant growth and prevent the production of seed and subsequent spread of agricultural weeds onto adjoining land.

Reason: In the interests of safeguarding agricultural land.

32. From the commencement of development until completion of aftercare, in the event that livestock are placed in adjacent fields, the operator shall maintain and make stock-proof the perimeter hedges, fences and walls. Where the site boundary does not coincide with an existing hedge, fence or wall, the operator shall provide and maintain stock-proof fencing until completion of aftercare.

Reason: In the interests of safeguarding agricultural land.

Landscape & restoration:

33. Within three (3) months of the date of this permission, details of the proposed 300 metres of new native species hedgerow screening along the southern site boundary and for the gapping up of 400 metres of existing hedgerow on the western site boundary shall be submitted to the County Planning Authority for its written approval. Such details shall include the location of planting, the species to be planted and the size, spacing and maintenance of such planting. Thereafter, landscaping of the site shall be carried out in accordance with the approved scheme.

Reason: In the interests of visual amenity, to screen the workings, and to assist in absorbing the site back into the local landscape.

34. Notwithstanding the requirements of condition no. 33 above

- the additional hedgerow planting along the new access road;
- seeded treatment of the screening bunds;
- replacement trees at the new road access; and,
- existing tree protection measures

as set out in the additional *Landscaping & Ecology Mitigation Plan* and details set out in the *Biodiversity Management Plan* required under the associated S106 Legal Agreement (date tbc) shall be undertaken in the first planting season after the commencement of development.

Reason: In the interests of visual amenity, to screen the workings, and to assist in absorbing the site back into the local landscape.

35. Landscape and restoration works shall take in accordance with the approved planning application details:

- *Landscape Strategy Plan* (drwg ref. no. CW RG 1615-11 B Rev C, dated 09.07.18) and other detailed plans and documents that may be subsequently approved in writing by the County Planning Authority;
- Proposed Lake Illustrative sections (drwg ref. no. CW RG 1615 12 Rev A dated 15.07.18); and,
- Additional restoration information received on the 30th March 2020.

Any tree/shrub planted or habitat created in accordance with the approved schemes which dies or becomes diseased within five (5) years of the date of planting or creation shall be replaced or recreated to the satisfaction of the County Planning Authority.

Reason: In the interests of visual amenity, to screen the workings, and to assist in absorbing the site back into the local landscape.

36. Within twelve (12) months of the completion of the mineral extraction hereby permitted, all fixed and mobile plant, buildings, stockpiles and infrastructure shall be removed and the whole of the site shall be restored in accordance with the submitted details and the requirements of this Decision Notice.

Reason: To ensure restoration is undertaken as soon as practicable in the interests of amenity.

Aftercare:

37. Prior to the completion of mineral extraction within each phase of extraction, a *Scheme of Aftercare* shall be submitted to and approved in writing by the County Planning Authority specifying the steps to be taken to restore those parts of the site not reserved for biodiversity after-uses to a condition suitable for use for agriculture, hedgerow and woodland purposes. In the event that restoration work does not bring the agricultural land up to the required standard for best and most versatile land, the *Aftercare Scheme* shall include provision for a suitable land drainage system. Upon the completion of restoration within each phase, the programme of aftercare shall be implemented in accordance with the approved schemes. The period of aftercare shall be five (5) years.

Reason: In order to comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 (as amended) and paragraphs 50 to 59 (inclusive) of Section 27 of the national Planning Practice Guidance and in order to ensure restoration of the land to the standard required for agriculture and amenity purposes and in the interests of visual amenity, to screen the workings, and to assist in absorbing the site back into the local landscape.

38. Prior to the completion of mineral extraction within each phase of extraction, a *Scheme of Aftercare* shall be submitted to and approved in writing by the County Planning Authority specifying the steps to be taken to restore those parts of the site reserved for biodiversity after-uses. Upon the completion of restoration within each phase, the programme of aftercare shall be implemented in accordance with the approved schemes under the general direction of the approved *Biodiversity Management Plan*. The period of aftercare shall be for five (5) years. Thereafter, aftercare for biodiversity shall be for the duration specified in the *Biodiversity Management Plan*.

Reason: In order to comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 (as amended) and paragraphs 50 to 59 (inclusive) of Section 27 of the national Planning Practice Guidance and in order to ensure satisfactory restoration and beneficial afteruse of the site.

Archaeology:

39. No development shall commence until a *Written Scheme of Investigation* has been submitted to and approved by the County Planning Authority in writing. The *Scheme* shall include an assessment of significance and research questions; and:

1. the programme and methodology of site investigation and recording;
2. community involvement and/or outreach proposals;
3. the programme for post investigation assessment;

4. provision to be made for analysis of the site investigation and recording;
5. provision to be made for publication and dissemination of the analysis and records of the site investigation;
6. provision to be made for archive deposition of the analysis and records of the site investigation;
7. nomination of a competent person or persons/organisation to undertake the works set out within the *Written Scheme of Investigation*.

Reason: In order to enable the investigation, identification, full recording, understanding and, where necessary, safeguarding of the archaeological interests that may potentially exist and to determine the nature, significance and extent of any archaeological deposits.

40. No development shall take place other than in accordance with the *Written Scheme of Investigation* approved under condition no. 39.

Reason: In order to enable the investigation, identification, full recording, understanding and, where necessary, safeguarding of the archaeological interests that may potentially exist and to determine the nature, significance and extent of any archaeological deposits

41. Within six (6) months of completing the archaeological field investigations, a report which shall comprise of an assessment of the archaeological remains recovered from the site and an outline of the subsequent programme of analyses, publication (including a date for publication) and archiving, shall be submitted to and approved in writing by the County Planning Authority. The programme of analyses, publication and archiving shall thereafter be carried out in accordance with the details thus approved, and in accordance with a timetable agreed in writing with the County Planning Authority.

Reason: In order to enable the investigation, identification, full recording, understanding and, where necessary, safeguarding of the archaeological interests that may potentially exist and to determine the nature, significance and extent of any archaeological deposits.

Abandonment:

42. In the event that mineral extraction ceases on site for a period in excess of twelve (12) months before the completion of the development, a revised scheme of interim restoration and landscape works shall be submitted to the County Planning Authority for approval within fourteen (14) months of the cessation of extraction. The approved scheme shall be implemented in accordance with the programme to be included in that scheme.

Reason: To ensure restoration is undertaken as soon as practicable in the interests of amenity and to secure the proper restoration of the site.

Site monitoring:

43. At a frequency of no less than annually from the date of this permission, a review of the previous year's landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. Such a review shall include all interested parties and technical advisers as required.

Reason: In order to reserve the rights of control of the County Planning Authority to ensure restoration of the land with the minimum of delay and to secure an orderly and progressive pattern of working of the site.

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

Reason: In the interest of the protection of the amenity of the local community and environment.

Informatives

1. Flood risk: This site lies within the district of the *Vale of Pickering Internal Drainage Board*, who must be consulted with regard to the matters affecting the local watercourse system.
2. Groundwater Protection: The groundwater dewatering and discharge of water activities associated with this development will require an *Environmental Permit* under the *Environmental Permitting (England & Wales) Regulations 2016*, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. There is no guarantee that a permit will be granted.

Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

3. Dewatering Permit requirements:

The requirement for dewatering permits is a new regulation. This was not a requirement during initial consultations. The permit will require a suitably detailed *Hydrogeological Impact Assessment*. An approach to such an assessment is described in the following guidance *Hydrogeological Impact Appraisal for Dewatering Abstractions* 2007 Science Report – SC040020/SR1

Key steps that shall be needed include:

- A desk top assessment of the status of water resources and other receptors;
- carrying out a water features survey; and,
- undertaking a hydrogeological assessment.

Any assessment will need to be cyclic and tiered (less to more detailed as needed). It may need groundwater monitoring points and pumping tests to be undertaken. The detailed requirements for the permit will need to be determined prior to the application. The Environment Agency will need to:

- see the assumptions and calculations used to assess drawdown distance;
- consider all receptors that may be affected by dewatering; and,
- understand likely groundwater levels and flows in the vicinity of the site.

Receptors may include peat deposits some distance from the site and private supplies that may be in the vicinity of the site.

4. A separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The '*Specification for Housing and Industrial Estate Roads and Private Street Works*' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

K Battersby
Corporate Director, Business and Environmental Services

Background Documents to this Report:

1. Planning Application ref no. NY/2017/0269/ENV (C4/17/02418/CC) registered as valid on 25th October 2017. Application documents can be found on the County Council's Online Planning Register by using the following web link:
[Displaying Planning record: NY/2017/0269/ENV \(northyorks.gov.uk\)](http://northyorks.gov.uk)
2. Consultation responses received.
3. Representations received.

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