

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

26 JULY 2022

NY/2020/0162/FUL (C8/2020/1204/CPO) - PLANNING APPLICATION FOR THE PURPOSES OF THE INFILLING AND RESTORATION OF THE FORMER WATERGARTH QUARRY WITH EXCAVATED MATERIALS, ERECTION OF A TEMPORARY SINGLE STOREY SITE CABIN, FORMATION OF TEMPORARY SITE ACCESS, CAR PARKING AREA AND ASSOCIATED HARDSTANDING ON LAND AT FORMER WATERGARTH QUARRY, RAWFIELD LANE, FAIRBURN, SELBY, WF11 9LD ON BEHALF OF MONE BROS CIVIL ENGINEERING LIMITED (SELBY DISTRICT) (MID SELBY 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 infilling and restoration of the former Watergarth Quarry with excavated materials, erection of a temporary single storey site cabin, formation of temporary site access, car parking area and associated hardstanding on land at former Watergarth Quarry, Rawfield Lane, Fairburn, Selby, WF11 9LD on behalf of Mone Bros Civil Engineering Limited.
- 1.2 This application is subject to eight objections having been raised from members of the public in respect of this proposal on the grounds of: highway safety, HGV movements, impact on residential amenity from noise, dust and pollution, impact on health and quality of life, impact on biodiversity and type of infill material.
- 1.3 An objection has also been received from Yorkshire Wildlife Trust and concerns have also been raised by the Fairburn Parish Council. It is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 The application site relates to the former Watergarth Quarry, a limestone quarry, situated to the north east of the village of Fairburn, near Knottingley in North Yorkshire. The centre of Fairburn village lies to the south west of the former quarry, approximately 170 metres from the western boundary of the site. The quarry is located adjacent to Rawfield Lane, a public highway, which runs south-west to north-east along the northern boundary of the application site. The junction of the A63 is located to the northern end of Rawfield Lane, approximately 1.8 kilometres to the north east of the site and provides connection to the A1(M). Access to and from the site is proposed off Rawfield Lane via the A63, with all HGV vehicles proposed to travel towards the direction of the A63.
- 2.2 The application site extends to approximately 0.75 hectares. It is a rectangular shape and mainly occupies a position to the rear of the properties which are located south of Rawfield Lane and east of Lunnsfield Lane. The site is predominantly screened by these neighbouring properties and existing boundary treatment consisting of mature

trees and hedges. There are two small derelict brick built structures/buildings situated at the top of the quarry void along the northern boundary of the site. Also, the bridge/tunnel under Rawfield Lane which was former railway cutting is located at the northern boundary and it is largely infilled apart from a small area that is used for storage.

- 2.3 The former Watergarth Quarry was granted planning permission ref. MIN2111 for tipping in 1974. However there is limited available information about the site. The Environment Agency Licence was surrendered in 1994. As a result of the previous quarrying operation, the site has steep quarry faces to the north, south and west due to it being worked at approximately 4m – 6m below ground level. However, it has remained derelict since the end of quarrying operation and the quarry void remains unrestored.
- 2.4 The site lies within a relatively residential area and bounded by residential properties to the north, east and west and to the south lie arable fields. The nearest residential properties and sensitive receptors to the application site include the property known as 'Windhook' located immediately adjacent to and east of the proposed site entrance, 'The Haven' is located approximately 10 metres to the west of the site and a row of properties along northern side of Rawfield Lane are located to the north of the site, approximately 20 metres being the closest. Properties on Lunnsfield Lane are located approximately 50 metres from the western site boundary and an electricity sub-station is located approximately 1.2 kilometres to the north east of the site along Rawfield Lane.
- 2.5 The application site is wholly located within the Development Limits of Fairburn and does not propose any development within the adjoining Green Belt. The site is also within the Coalfield Consultation Area, an Airfield Safeguard Zone, an Impact Risk Zone for Fairburn and Newton Ings Site of Special Scientific Interest (SSSI) which is approximately 650 metres to the south west and affects land classified as Grade 2 Agricultural Land (also termed best and most versatile (BMV) land). The site lies within Flood Zone 1 on the Environment Agency's Maps and is therefore at the lowest risk of flooding.
- 2.6 A plan showing the application site (**Plan 1**) is attached to this report.

Planning History

- 2.7 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -
- MIN2111, dated 28 August 1974, Tipping – Granted. The site has since become derelict and the quarry void remains unrestored.

3.0 The proposal

- 3.1 Planning permission is sought for the Infilling and restoration of the former Watergarth Quarry with excavated materials, erection of a temporary single storey site cabin, formation of temporary site access, car parking area and associated hardstanding on land at former Watergarth Quarry, Rawfield Lane, Fairburn, Selby, WF11 9LD on behalf of the Mone Bros Civil Engineering Limited.
- 3.2 The proposal seeks consent for infilling and restoration of the former Watergarth Quarry through the importation of excavated materials, to make the area level and improve the land. The proposal would provide a beneficial afteruse of the site i.e. agricultural as pasture use and address the stability issues as the quarry is steep sided with unstable quarry faces which currently limits the use and safe access of the land.
- 3.3 The application details indicate that the former quarry would require 40,000 tonnes (33,000m³) of material to fully restore the site, ensuring the levels tied in with the
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adjacent land levels and to provide suitable gradients allowing proper drainage through infiltration. The Applicant has anticipated that between 25,000 to 30,000 tonnes of material would be allowed at the site per annum. The duration of infilling and landscaping work would take place over few months with the scheme anticipated to be completed approximately within 18 months. The scheme proposes to infill and re-profile the site by using clean excavated soils, which would be sourced from local construction sites. The Planning Statement states *'All material would be compliant with the CL:AIRE 'Definition of Waste: Code of Practice', which facilitates the reuse of clean naturally occurring materials such as soils, clay, stone and earth from development sites. Excavated engineering materials ('materials') for the purpose of this planning application are any materials deemed suitable for such use under the CL:AIRE Protocol.'*

- 3.4 The proposed scheme requires the excavated engineering materials to be imported to the site by HGVs, between the hours of 8am and 5pm, Mondays to Fridays only. No operations would take place on Saturdays, Sundays or Bank and public Holidays. The Transport Statement submitted with the planning application provides the details of the average number of HGV movements and total daily trips based on 6, 12 and 18 months transportation periods for the estimated 33,000m³ of materials required to fill and restore the quarry. Based on the 18 months transportation period and each HGV (4 axle tipper) carrying an average of 9m³ of material per delivery, it is estimated an average of 10 lorry loads of material would be delivered on site per day, an average total of 20 HGV trips (10 in and 10 out) per day. For a 12 months period it would be an average total of 30 HGV trips (15 in and 15 out) per day and for a 6 months period it would be an average total of 62 HGV trips (31 in and 31 out). The 6 months period shows the quickest transportation duration as it has the highest daily HGV movements. All HGVs would access the site via the A63, no HGV would turn left out of the site or travel through the village of Fairburn.
- 3.5 It is proposed that the HGVs would access the site from the A63 to the north, turning south into Rawfield Lane, then left into the site via proposed temporary access off Rawfield Lane and when departing the site, all HGVs would be required to turn right onto Rawfield Lane. The purpose of the proposed HGV movement via the A63 is to avoid the village of Fairburn. In addition to HGV movements, the scheme indicates 3 staff cars would travel to the site each day.
- 3.6 The new temporary site access off Rawfield Lane would be constructed within the garden area of the adjoining neighbouring property *'Windhook'* which lies to the east of the application site. Although this property is currently vacant, the applicant has served notice to the owner of this property for the proposed works. Additionally, a car parking area and associated hardstanding would be created within the garden area of this neighbouring property. The temporary site access, parking area and associated hardstanding as well as the site cabin is shown on the Proposed Access and Parking Areas plan attached to this report as **Plan 2**. The proposed car parking area would provide parking spaces for staff working on site and one visitor parking. No HGV parking is proposed on site, other than temporary parking for statutory breaks, HGV parking would not be allowed on site. The new temporary site access would be removed following completion of infilling works and the area restored to its original condition.
- 3.7 Access into the quarry void would be facilitated through an existing internal access road that slopes down into the quarry base. This would require removal of an existing hedgerow approximately 20 metres in length along the eastern boundary of the site to facilitate the existing internal access and the development. This existing hedgerow is a boundary of the residential curtilage of adjoining neighbouring property *'Windhook'* and separates the quarry site with the neighbouring property. Upon completion of infilling works, the hedgerow would be reinstated with native hedgerow planting works, including supplementary hedgerow trees.

- 3.8 The scheme proposes infilling, re-profiling and progressively landscaping the site. The proposal involves using initial loads of material to create a slope down to the quarry cutting from the adjacent land and laying a hardcore track which would extend into the site to allow HGVs to remain on a stone surface. It proposes materials to be unloaded and pushed into final place by the use of a dozer. The site would be filled in layers with the final layer working backwards from the western end of the site back towards the temporary site entrance. The process would involve using a mobile plant to move and compact the material, ensuring a stable landform has been created. The remaining void within the former tunnel structure would be filled with stone (6F5 material i.e. crushed recycled aggregate) in 200mm layers, with each of the layers being compacted in turn until it reaches the headroom. The remaining void would then be filled with concrete foam. It is anticipated that the void would require between 6 and 8 HGV loads of stone to fill in total. Once the infilling has been completed, the site would be grass seeded upon final placement of soils with a wildflower grass seed mix of 3g/m² and landscaping to develop mixed woodland as final restoration. The outline landscaping details are shown on the Landscaping Plan attached to this report as **Plan 3** and the proposed landform restoration details are shown on the Cross Sections plan attached to this report as **Plan 4**.
- 3.9 The proposal would result in the loss of 5 trees (T5 (Apple), T17 (Hawthorn), T18 (Ash), T19 (Apple) and T20 (Sycamore)) and partial removal of, and pruning of trees within G6 (Ash, Sycamore), G7 (Sycamore), G14 (Ash, Sycamore, Hawthorn) and G16 (Ash, Blackthorn, Hawthorn, Elder) would be required to facilitate the development, details are shown on the Arboricultural Report & Impact Assessment, Ref. AWA3946, dated December 2021 and Arboricultural Method Statement, Ref. AWA3946, dated December 2021.
- 3.10 The scheme also proposes to provide planting to the southern and western boundaries of the site as shown on Drawing Title: Landscaping Plan, Ref. MON-002-W.D.004 Rev. C, dated Jan 2022 to mitigate the loss of existing trees and to improve landscaping. The scheme proposes the following trees to be planted at 5m spacing as 60/80cm (2 year old) whips:
- Hawthorn (*Crateagus Monogyna*) – 25%
 - Field Maple (*Acer Campestre*) – 15%
 - Wild Cherry (*Prunus Avium*) – 15%
 - Pedunculate Oak (*Quercus Robur*) – 15%
 - Dogwood (*Cornus Sanguinea*) – 15%
 - Spindle (*Euonymus Europaeus*) – 15%
- 3.11 The Agent has affirmed in a letter dated 09 February 2021, Ref. MON-002-W-PS001 that once the site has been restored, it would undergo a 5 year period of aftercare during which time any necessary remedial measures would be undertaken and any failed planting would be replaced.
- 3.12 The scheme also proposes erection of temporary single storey site cabin. It would be sited within the garden area where the new car parking area is proposed and would occupy a position to the south east corner of the application site. The proposed site cabin would be a standard portacabin style office unit and would have a width of 6.06 metres, a depth of 2.43 metres and an overall height of 2.59 metres. The unit would be single storey structure with flat roof. It would provide a means for checking, recording and monitoring deliveries into the site and managing vehicle movements. The unit would also provide basic welfare and washing facilities for staff and visitors.

4.0 Consultations

4.1 The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 6 November 2020 and the subsequent re-consultations on (26 February 2021 and 19 April 2021) following the receipt of further/amended information to address concerns raised in relation to biodiversity, highway, noise and dust pollution, landscape and visual impact and infill material. Further re-consultations were undertaken on 5 May 2021, 19 May 2021, 23 June 2021, 27 October 2021 and 23 December 2021 following revised information in relation to noise and dust pollution, biodiversity, landscape and visual impact.

4.2 **Selby District Council (Planning)** – A response was received on 4 January 2021 stating the Council are supportive in principle of the remediation and restoration of the former quarry. Further comments included as summarised below:

- *'The former quarry itself is located within the defined Development Limits of Fairburn. A section of the site, to the rear of the property Windhook is located within Green Belt.'*
- Suggested measures are secured as part of determination or condition/legal agreement to ensure remediation works will be carried out as proposed and verified to ensure site is free from pollution and ground instability. Also suggested monitoring may need to be carried out to ensure remediation is successful in long-term.
- The Council highlighted an error in the Planning Statement in relation to the site not within the Green Belt but an area of proposed car park and site cabin is within Green Belt as shown on the submitted drawing. The Council suggested if this could be amended as well as the red line so that the application is within the defined Development Limit, otherwise *'the County Council will need to satisfy themselves on whether the development is "inappropriate" as (where appropriate) the impact upon openness and the purposes of the Green Belt, as well as any potential Very Special Circumstances.'*
- Further stating that the Council note the Ecology Officer comments and agree assessment required to show the proposal will provide a net gain in biodiversity.
- Also highlighted the Arboricultural Impact Assessment has not been submitted and the trees have a positive impact upon the landscape character and their retention should be considered and loss justified.
- Furthermore, emphasised the need of a thorough and robust Construction Environment Management Plan which should preferably be secured prior to approving the proposal.

4.2.1 The response was forwarded to the Agent to address the comments received by the Selby District Council. The Agent submitted revised Planning Statement, revised Access and Parking Plan, Biodiversity Net Gain Report, Arboricultural Report and Impact Assessment, Landscape and Visual Appraisal, revised CEMP and a letter dated 9 February 2021 addressing the concerns of the Selby District Council Planning department.

4.2.2 No response has been received to date to the re-consultation on additional information from Selby District Council Planning department. A response was chased on the 13 May 2021 and 10 June 2021.

4.3 **Selby District Council (Environmental Health)** – A response was received on 11 November 2020 stating the Construction Environmental Management Plan (CEMP) dated 10th September 2020 provides noise control measures but detail is vague and lacks information for *'noise impact and quantifying acceptable noise limits at nearby sensitive receptors.'* Further stating *'proposed noise mitigation measures are limited to equipment maintenance and use of white noise reversing alarms, and in terms of minimising noise impact.....the absence of additional targeted acoustic screening, particularly given the 18-month timescale to completion and nearby sensitive receptors.'* In regards to dust, further details are needed to protect existing residential amenity during infilling and restoration.

The Environmental Health Officer (EHO) recommended a condition to be imposed for the submission and approval of CEMP prior to the commencement of development and it shall include details of any necessary noise, vibration, dust, air pollution and odour mitigation measures.

- 4.3.1 The response was forwarded to the Agent and requested to provide a revised Construction Environmental Management Plan (CEMP) as the details will need to be agreed prior to the determination of this application. The Agent submitted a revised CEMP addressing the concerns of the EHO.
- 4.3.2 A re-consultation response was received on 5 May 2021 stating the revised CEMP Rev D dated 30 April 2021 has addressed previous comments and there are no further objections subject to a condition to be imposed for the compliance with the revised CEMP.
- 4.4 **Fairburn Parish Council** – A response was received on 19 November 2020 stating the Council is, overall, in favour of the proposed development. However, they have concern for *'the type of material/s to be used during the infilling process and would like more information as to the composition of the materials likely to be used.'*
- 4.4.1 The Agent has been informed of the Parish Council's concerns relating to the infill materials. The Agent affirmed in a letter dated 9 February 2021 stating that *'the site would be infilled and reprofiled using only clean excavated materials, sourced from local construction sites. Only clean, naturally occurring materials such as soils, clay, stone and earth from development sites would be accepted at the site. No waste materials or materials not complying with CL:AIRE would be accepted under any circumstances.'*
- 4.4.2 A re-consultation response was received on 13 May 2021 stating the Parish Council's concerns remain in relation to access/egress and type of infill materials.
- 4.5 **NYCC Heritage – Archaeology** – A response was received on 25 November 2020 stating the application is accompanied by a Cultural Heritage Assessment and it sets out the known industrial heritage of the site which consists of a disused quarry and former bridge arch beneath Rawfield Lane. Further stating both of these are adequately documented in the assessment and no further mitigation is required. The Archaeology Officer's recommendation states no issues with the proposal and no further comments to make.
- 4.6 **NYCC Heritage – Ecology** – A response was received on 10 November 2020 stating the application is supported by a Preliminary Ecology Appraisal (PEA) and a bat survey and offered comments as summarised below:
- *Demonstrating no net loss/net gain for biodiversity* – The Ecology Officer stated the proposal would result in the loss of broad-leaved woodland and other habitats. The PEA provides mitigation and compensation, but does not show whether the proposal meets the NPPF's requirement for no net loss of biodiversity and biodiversity net gain. Further stating the applicant needs to demonstrate that the proposal meets the requirement and was encouraged to use the DEFRA Biodiversity Metric 2.0 which *'provides a useful means for quantifying the balance of losses and gains.'*
 - *Bats* – The Ecology Officer stated *'The bat survey shows that no bats were detected using any of the potential roosting structures on the site. However, the site does provide foraging habitat for several species.'* Further stating the lighting details in the report should refer to the actual proposal and explain whether any external lighting will impact on bat behaviour, mitigation measures to reduce any adverse impact and consider any residual effects. The Ecology Officer also stated that the North Yorkshire Bat Group has been asked to review the survey of the tunnel structure.

- *Bird nest boxes* – As mitigation for the loss of habitat, bird nest boxes are proposed. However, details on number and type of boxes are required.
- *Final restoration and afteruse* – The Ecology Officer stated the scheme proposes planting ‘trees along the southern edge of the infilled void and seed the majority with a commercial wildflower mixture. It is our advice that more consideration is needed to ensure that the proposed restoration achieves long-term benefits for biodiversity in keeping with the location.’ Further stating that the applicant needs to demonstrate appropriate and sustainable long-term arrangements are in place and an explanation is needed as to how the restored site would be managed to ensure that restoration objectives are met. Additionally, final placement of soil for the purpose of the intended restoration needs to be considered by the applicant and more clarification is needed. The Ecology Officer suggested the planting scheme ought to include other locally-native species. Also recommended are conditions to be imposed on any grant of planning permission in relation to bat roost surveys, bat boxes, site clearance and walkover survey.

4.6.1 A further response was received on 16 November 2020 from the Ecology Officer stating the ecology team have received the following observations from the North Yorkshire Bat Group in relation to the tunnel structure. The Ecology Officer requested the applicant consider these comments and include the installation of a bat hibernation box in their ecological mitigation:

‘...the tunnel structure does have potential to support hibernating bats. These may be few in number and rather hard to spot. A visual inspection of the structure during December to March might reveal a bat or two tucked into crevices, but most bats would probably be out of sight. In the absence of any winter survey data then blocking the tunnel should avoid the period November to March inclusive as hibernating bats are not likely to rouse quickly, so would be at risk of being entombed.

4.6.2 The responses were forwarded to the Agent to address the comments received by the Ecology Officer and North Yorkshire Bat Group. The Agent submitted revised Planning Statement, revised Proposed Landscape Plan, revised Preliminary Ecological Appraisal, Biodiversity Net Gain Report and a letter dated 09 February 2021 addressing concerns raised by the Ecology Officer and the requirement of North Yorkshire Bat Group.

4.6.3 A re-consultation response was received on 20th April 2021 from the Ecology Officer stating the additional/revised information addresses most of the issues and the provision of bat hibernation boxes (recommended by North Yorkshire Bat Group) is welcomed as well as the confirmation that external lighting will not be installed on site and works to the cave/tunnel structure will be avoided during winter months. Further stating the amended planting mix for native trees and shrubs is welcomed. In order to achieve Biodiversity Net Gain, the Ecology Officer suggested appropriate measures secured by a condition for a Landscape and Ecological Management Plan (LEMP). Additionally, the Ecology Officer reiterated concerns in relation to the use of commercial wildflower mixtures for site restoration and recommended the applicant engages with Yorkshire Wildlife Trust to source local seeds. In relation to the Biodiversity Net Gain report, the Ecology Officer requested clarification to some of the data for the proposed restoration measures.

4.6.4 The Agent submitted further revisions (including a Biodiversity Net Gain report, Bat Survey report and Preliminary Ecological Appraisal) addressing the comments made by the Ecology Officer. The agent also affirmed contacting YWT at the appropriate time to discuss securing seed from potential local donor sites and in terms of longer site management, it will be continued to be managed in future as the site is owned by the local resident.

- 4.6.5 A further re-consultation response was received on 22 May 2021 from the Ecology Officer stating the Biodiversity Net Gain report has been corrected and clarifies that the proposed restoration scheme will offer significant net gains for biodiversity. Further stating recommendation for habitat creation and ongoing management made in previous response (20 April 2021) should be secured by a condition for a submission and approval of LEMP, *'including the need to select appropriate low-nutrient materials for the capping of the site and an agreed plan for the establishment and ongoing management of habitats.'*
- 4.6.6 The Case Officer requested wording of the recommended LEMP condition. The Ecology Officer responded on 8 June 2021 recommending *'an agreement to ensure that the site will be managed for the 5 year aftercare period, along the lines agreed but taking into account the advice we have given in previous consultation responses. It would also be useful for all concerned to have a concise summary of how habitats will be created as part of the restoration process, and managed thereafter...'* The Ecology Officer provided a template LEMP condition from BSI42020 *Biodiversity – Code of practice for planning and development*, a prior to commencement condition. Further stating given the site isn't large or complex, it might be appropriate to incorporate ecological management within a wider agreement.
- 4.7 **NYCC Heritage - Principal Landscape Architect** – A response was received on 25 January 2021 stating an objection to the application in its current form as further information is required to demonstrate the landscape and visual effects of the proposal. The impacts are required to be within acceptable limits and with a suitable landscape restoration scheme. The Landscape Officer highlighted that a tree survey, landscape and visual assessment (LVA), or noise assessment has not been submitted with the application. Also, no supporting information has been provided on risk of trees falling into the site as referred to within the Planning Statement and there is insufficient explanation on how existing trees will be protected and retained. The Landscape Officer disagrees with the Planning Statement in relation to the site not providing any significant landscape value as there are a number of mature trees forming a small woodland which provide some local landscape and amenity value. Further highlighting the proposal has potential significant adverse landscape and visuals effects on the character and setting of Fairburn village and local residential amenity given the proximity of the site. The Landscape Officer requested the following further information and clarification needed:
- Landscape and visual assessment
 - Tree Survey to BS5837, Arboricultural impact assessment and method statement
 - Landscape restoration masterplan/strategy and cross sections
 - Soil restoration and handling details, also soil monitoring and testing details
 - Proposed boundary treatment details
 - Maintenance and aftercare including schedule (minimum 5 years)
 - Long-term maintenance and management objectives and responsibilities
- 4.7.1 The response was forwarded to the Agent to address the comments received by the Landscape Architect. The Agent submitted revised Planning Statement, revised Proposed Landscape Plan, Arboricultural Report and Impact Assessment, Landscape and Visual Appraisal and a letter dated 9 February 2021 addressing concerns of the Landscape Architect.
- 4.7.2 Through ongoing reconsultation with the NYCC Landscape Architect as well as a site visit/meeting of 16 July 2021, further revisions (i.e. Cross Sections, Proposed Landform Plan, Landscaping Plan, Arboricultural Report & Impact Assessment, Arboricultural Method Statement, Landscape and Visual Appraisal and Supplementary Information – LVA) were submitted to address the NYCC Landscape Architect responses of [1 June 2021](#), [16 July 2021](#) and [12 November 2021](#). The Agent also stated that restoration and management details have been outlined within the application and agreed for the

Council to impose conditions requiring the submission of detailed scheme on any grant of permission.

- 4.7.3 The NYCC Landscape Architect replied on [11 January 2022](#) to confirm the revised information addresses all concerns including tree protection measures and is satisfied that the additional measures set out within the Arboricultural Method Statement are sufficient which include an additional 2m stand-off and buffer during the initial development phase followed by a site meeting with the LPA to agree final fill levels. Further stating he agrees with the summary and conclusion of the Supplementary Information – LVA report that the proposed development could be successfully integrated, provide landscape and biodiversity benefits and adverse effects can be minimised. The Landscape Architect recommended conditions in relation to working hours, detailed landscaping scheme, landscape and biodiversity management plan and tree protection measures to be imposed to any permission granted to protect local amenity, character and setting and to ensure successful restoration.
- 4.8 **NYCC Arboricultural Officer** – A response was received on 25 January 2021 returning no comments.
- 4.8.1 A re-consultation response from the Arboricultural Officer on the additional information (Arboricultural Report and Impact Assessment) was received on 18 May 2021 requiring a detailed Arboricultural Method Statement and Tree Protection Plan to be conditioned as part of any permission granted.
- 4.9 **Highway Authority** – A response was received on 19 November 2020 stating further information is required in relation to accidents, network capacity for junction assessment of the A63/Rawfield Lane, highway improvements and HGV manoeuvrability.
- 4.9.1 The Agent submitted a revised Transport Statement to address the Highway Authority's comments.
- 4.9.2 A re-consultation response was received on 20 April 2021 stating further to the additional information, the Highway Authority is satisfied that the proposal will not have severe impact on the local highway network. However, the Highway Authority expects the site to be managed to avoid queuing on the highway, more than one vehicle at any point along Rawfield Lane is not acceptable, mud or debris on road shall be avoided and to manage potential dust issues as residential properties exist close by and below the existing road level. Further stating evidence submitted by the developer shows sufficient capacity and visibility for the Rawfield Lane/A63 junction and the Highway Authority does not have any safety concerns at the junction due to only one slight accident in the last 5 years. The Highway Authority highlighted the existence of a traffic order (TRO) operating at Rawfield Lane that may need to be revised and also no HGVs should travel through Fairburn. The Agent has been made aware of the Highway Authority's comments. The Highway Authority recommended 4 Conditions and 2 Informatives to be imposed upon any permission granted.
- 4.10 **NYCC Public Rights of Way Team** – A response was received on 6 November 2020 expressing the view that any Public Right of Way is unlikely to be affected.
- 4.11 **Highways England** – A response was received on 24 November 2020 stating no objection.
- 4.12 **Environment Agency York** – A response was received on 26 November 2020 stating *'The site is considered to be in a highly sensitive groundwater location because it is located on Magnesian Limestone which is classified as a principle aquifer and an abstraction licence is located within 450 metres of the proposal.'* Further stating the Environment Agency have

no objection to this application however recommended that under no circumstances any contamination associated with the historic landfill should be mobilised. Further stating that a qualified person should be appointed whose responsibility would be to ensure all necessary documents and risk assessment undertaken and satisfied that suitable materials would be used to infill and not cause pollution harm.

- 4.13 **Natural England** – A response was received on 26 November 2020 stating no objection as they consider *‘the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.’*
- 4.14 **Coal Authority** – A response was received on 9 November 2020 stating the application is located within the defined Development Low Risk Area. Further stating *‘if this proposal is granted planning permission, it will be necessary to include The Coal Authority’s Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.’*
- 4.15 **Ministry of Defence Safeguarding Organisation** – A response was received on 22 January 2021 stating no safeguarding objections to this proposal.
- 4.16 **Royal Society for the Protection of Birds (North of England)** – No response has been received to date.
- 4.17 **Yorkshire Wildlife Trust** – A response was received on 17 November 2020 stating a full BNG assessment will be required as detailed in the Preliminary Ecological Appraisal. It advised the proposal needs to demonstrate net gain in biodiversity and suggested to use biodiversity metric to demonstrate how it can be achieved on site. They requested if clarification of how current proposal fits with the original approved restoration plan for the quarry could be provided. YWT stated they agree with the NYCC Ecology comments relating to final restoration and after-use. Further stating whilst the proposed excavated soils ensures they are not contaminated but it does not ensure to be a suitable pH to support the habitat creation objectives and therefore final habitat plan is required. Also YWT would encourage the use of a local donor site for seed collection for grassland and they could assist the applicant in locating an appropriate local site by having an early discussion. YWT also queried if the quarry faces have any bat potential e.g. cracks and crevices and if so, this could be explored further. Additionally, YWT pointed out the discrepancy in relation to buildings shown on the PEA and the site location plan and requested this to be clarified. Finally stating YWT object to the scheme until further consideration and details on the final restoration are provided and clarification given on impacts on bats.
- 4.17.1 The response was forwarded to the Agent to address the comments received by the Yorkshire Wildlife Trust (YWT). The Agent submitted revised Preliminary Ecological Appraisal, Biodiversity Net Gain Report and a letter dated 9 February 2021 addressing concerns of YWT.
- 4.17.2 Through ongoing reconsultation with the YWT, further revisions (i.e. Biodiversity Net Gain report, Bat Survey report and Preliminary Ecological Appraisal) were submitted to address the YWT responses of [3 May 2021](#) and [8 June 2021](#). The agent also affirmed contacting YWT at the appropriate time to discuss securing seed from potential local donor sites. YWT welcomed the amended planting mix and the revised bat survey report documenting rock/cliff faces and confirming no cracks or crevices present. However YWT questioned long-term management plan and after care proposed for the site, stating as part of biodiversity net gain, management must be secured and financed for 30 years, which is not demonstrated in the current proposal and therefore YWT continue to register objection.

4.17.3 The Agent queried the long-term management for 30 years given that the NYCC Ecology is satisfied with the revised BNG report and given the scale of the proposed scheme, the YWT requirement is disproportionate. Further stating that they have demonstrated BNG within the proposal as per the NPPF requirement and it is [at the time of writing] not a formal requirement pursuant to the Environment Bill as this has yet to receive Royal Assent and 2 year transition period.

4.17.4 The YWT responded on [21 July 2021](#) stating they would still support that the long-term management is secured as the Environment Bill (which is now enacted) is likely to mandate 10% BNG within the lifetime of the project. YWT concern for long-term management remain unresolved.

Notifications

4.18 **County Cllr. Christopher Pearson** – Was notified of the application on 6 November 2020.

4.19 **County Cllr. Tim Grogan** – Was notified of the application on 22 June 2022.

5.0 Advertisement and representations

5.1 This application has been advertised by means of 5 Site Notices posted on 18 November 2020 (responses to which expired on 9 December 2020). The Site Notices were posted in the following locations:

- Near the proposed temporary site entrance on Rawfield Lane, north of the site;
- At the junction of Fairfield and Rawfield Lane, north of the site;
- At the junction of Lunnsfield Lane and Rawfield Lane, north west of the site;
- Opposite 23 Lunnsfield Lane, south west of the site; and
- Near the Fairburn Parish Council noticeboard on Lunnsfield Lane, south of the site.

5.2 A Press Notice appeared in the Selby Times/Post on 12 November 2020 (responses to which expired on 26 November 2020).

5.3 Neighbour Notification letters were sent on 6 November 2020 and the period in which to make representations expired on 27 November 2020. The following properties received a neighbour notification letter:

- Rawfield Lane, Fairburn, Knottingley:
 - Windhook, The Oriens, Highfield Bungalow, The Bungalow, Meridies, Giverny, Larkspur, Ambleside, Quarrymead, Llamedos, Davawn, The Haven, Bay Horse Farm, Bay Horse House, Bungalow (Bay Horse Farm) and The Conifers;
- Orchard Drive, Fairburn, Knottingley: No.s 1 to 3
- Lunnsfield Lane, Fairburn, Knottingley: No.s 2, 3, 5, & 11

5.4 A total of 8 letters of representation have been received raising objections on the grounds of:-

- Highways/Traffic:
 - Concerns regarding increased traffic, highway safety / accidents;
 - Junction A63 and Rawfield Lane busy and fast;
 - Unsuitability of the access, narrow road and weak bridge/weight limit on the bridge;
 - Traffic movement via the village due to weak bridge;
 - Disruption and number of lorry movements;
 - Damage to the local network;
 - Local road infrastructure inadequate for the levels and type of usage needed by the proposal;
 - Hedgerow removal exposed quarry, causing concern for pedestrians safety and potential danger for vehicles falling into the quarry.
- Impacts upon local amenity:
 - Noise, dust/dirt, air pollution, mud, vehicle fumes;
 - Impact on nearby residential properties;
 - Impact on health and quality of life;
 - Length of time for the development to undertake and what hours;

- Concern regarding stabilising quarry which will have substantial impact on local residents, given that for many years quarry has been in its present condition with no detrimental effect;
- Additional cost and inconvenience of cleaning dirt.
- Landscape, Biodiversity and Natural Environment impacts:
 - Impacts / loss of biodiversity;
 - Trees and hedgerow removed then planning application submitted for the quarry unsafe;
 - No reference to bat survey carried out in the tunnel void prior to tree felling;
 - Type of infill material and what checks to ensure compliance.
- Other issues:
 - Future housing development;
 - Condition to restrict future changes of use of the site. Any housing development would impact rural natural of the locality.

5.5 A total of 7 letters of representation have been received raising support on the grounds of:-

- Highways/Traffic:
 - The quarry is unsafe as its wall and embankments are steep and vertical and have caused fatal injury to family member in the past due to a fall. Infilling will address safety issues and provide safe access;
 - Restoration needed for many years as it is very dangerous to road users of Rawfield Lane due to no barrier and could have potential of vehicles falling into the quarry. It would make area safer (Rawfield Lane) and look better after restoration;
 - Quarry is unsupervised and dangerous, particularly to children. Bridge is unmaintained and unsuitable for modern heavy traffic. Once reclaimed, it would be an improvement and safer environment for the village.
- Amenity and Natural Environment:
 - Infilling will make the area much safer place;
 - Quarry area within and around the perimeter is unsafe and should be filled;
 - It has always been unsafe unsuitable place. After mineral extraction, then abandoned. Proposal should be looked at favourably as it will address unsafe derelict hole in the ground;
 - There will be no greater impact on local environment than what already experienced throughout the week from large agricultural and commercial vehicles, passing through the village and over the weakened bridge / tunnel on Rawfield Lane. The quarry should have been backfilled like other quarries and now is time to reclaim the land, make dangerous place safe and prevent a potential hazard waiting to happen by bridge failing and road collapse.

5.6 Two further letters of representation received neither objecting or supporting, details as summarised below:

- One of these letters raised concerns on the grounds of access route to the site from the A63 which requires addressing due to its design classification, amount of vehicle movements, width of this access road and also there are no official passing places. The proposal could cause potential damage / harm to other road users during the development timeframe.
- The other letter raised issues about the quarry being a danger as there has been an accident in the past due to a fall into the quarry. The tunnel under the road is unstable and there is a damp smell from the cave. The proposal would provide a safer place to enjoy.

5.7 The neighbours previously notified and those individuals from whom representations had been received, were notified of the submission of further/amended information on 27 April 2020 and the period in which to make representations expired on 12 May 2021.

6.0 Planning policy and guidance

The Development Plan

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the

planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:

- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
- any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.

6.2 The *Development Plan* for the determination of this particular application comprises the following:

- The extant policies of the Minerals and Waste Joint Plan 2015 – 2030 (2022);
- The extant policies of the Selby District Core Strategy Local Plan (2013); and
- The 'saved' policies of the Selby District Local Plan (2005).

6.3 Furthermore, it should be noted that due to the age of the 'saved' policies referred to above, they have to be assessed against the more up to date National Planning Policy Framework 2021 (NPPF) to determine whether they are consistent with the NPPF and what weight should be attached to them.

6.4 *Emerging Plan:* Although not yet part of the statutory *Development Plan*, it is worth noting that the following document contains emerging local policies that are of relevance to this application, a material consideration and to which proportionate weight can be attached:

- Selby District Council Local Plan Preferred Options Consultation 2021.

6.5 Weight in the determination process may also be afforded to emerging local policies, depending on their progress through consultation and adoption. In this respect, there are emerging local policies in the Selby District Council Local Plan Preferred Options Consultation 2021. Policies are afforded an increasing amount of weight as the Plans progress through their stages to adoption. The NPPF paragraph 48 permits authorities to give weight to policies in emerging plans according to:

- a) 'the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*

6.6 The degree of weight to be attached to the Selby District Council Local Plan Preferred Options Consultation 2021 must have regard to the fact that this Plan is at a very formative stage as an initial consultation document and to which changes may be made. It is therefore considered little weight can be attached to the Preferred Options proposals and proposed policies at this stage. Nevertheless, consideration has been given to such as part of the assessment of the application in Section 7.0 to this report.

Minerals and Waste Joint Plan 2015 – 2030 (adopted 2022)

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

Strategic Policies for Waste:

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

- W05 – Meeting waste management capacity requirements – Construction, Demolition and Excavation waste (including hazardous CD&E waste)

Development Management Policies:

- D01 – Presumption in favour of sustainable minerals and waste development
- D02 – Local amenity and cumulative impacts
- D03 – Transport of minerals and waste and associated traffic impacts
- D06 – Landscape
- D07 – Biodiversity and geodiversity
- D09 – Water environment
- D10 – Reclamation and afteruse
- D11 – Sustainable design, construction and operation of development
- D14 – Air Quality

6.8 **MWJP Policy W01:** Moving waste up the waste hierarchy - point 1) states proposals would be permitted where they contribute by minimising waste or increasing reuse, recycling or composting of waste. Point 4) of the policy is also relevant which states landfill of inert waste will be permitted where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives or the substantial improvement of derelict or degraded land where it can be demonstrated that the import of waste is essential to bring the derelict or degraded land back into beneficial use and the scale of the importation would not undermine the potential to manage waste further up the hierarchy.

6.9 **MWJP Policy W02:** Strategic role of the Plan area in the management of waste - states

- 1) *'Support will be given through the allocation of sites and the grant of planning permission for the additional waste management capacity needed to help achieve net self-sufficiency in capacity at a level equivalent to expected arisings in the Plan area, by 31 December 2030.*
- 2) *Provision of capacity within the Plan area shall include provision for waste arising in the Yorkshire Dales National Park, with the exception of mining and quarrying waste and small scale waste arisings which can be appropriately managed at facilities within the National Park.*
- 3) *Except as provided for in 2) above, where a facility is proposed specifically to manage waste arising outside the Plan area, including specialist facilities such as those accommodating hazardous waste, will not be permitted unless it can be demonstrated that the facility would represent the nearest appropriate installation for the waste to be managed.*
- 4) *Proposals which would help meet unforeseen needs for the management of specific waste streams arising in the Plan area but not specifically identified or provided for in the Joint Plan, will be permitted where they would be in line with the requirements of Policies W10 and W11.'*

6.10 **MWJP Policy W05:** Meeting waste management requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste) - point 1) states that *'Net self-sufficiency in capacity for management of CD&E waste will be supported through:*

- i) Permitting proposals which would deliver increased capacity for recycling CD&E waste where the development would be consistent with the site locational and identification principles in Policies W10 and W11;*
- ii) Permitting proposals for additional transfer station capacity for CD&E waste where it can be demonstrated that additional provision would help reduce overall impacts from road transport of waste and the development would be consistent with the site locational and identification principles in Policies W10 and W11;*
- iii) Permitting proposals for additional landfill capacity for CD&E waste where it would be consistent with the principles set out in Policy W01 parts 3) and 4);*
- iv) Permitting proposals for extending the time allowed to use remaining void space at existing CD&E landfill sites that are the subject of time-limited permissions.'*

6.11 **MWJP Policy D01:** Presumption in favour of sustainable minerals and waste development - states there is a presumption in favour of sustainable development and that the Authorities will always work proactively with applicants to find solutions which

mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

6.12 **MWJP Policy D02:** Local amenity and cumulative impact - states minerals and waste development would be permitted if it could be demonstrated that *'there will be no unacceptable impacts on the amenity of local communities and residents, local businesses and users of the public rights of way network and public open space including as a result of:*

- *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 public rights of way network,*
- *the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park,*
- *cumulative effects arising from one or more of the above at a single site and/or as a result of a number of sites operating in the locality.'*

Any proposals are expected to as a first priority to prevent adverse impacts through avoidance with the use of robust mitigation where avoidance is not practicable. Part 2) of the policy also encourages applicant to conduct early and meaningful engagement with local communities before the application is submitted and to reflect the outcome of those discussions in the design of proposals as far as practicable.

6.13 **MWJP Policy D03:** Transport of minerals and waste and associated traffic impacts - encourages the use of alternatives to road transport where practicable. It permits proposals where road transport is necessary, where there is capacity within the existing network for the level of traffic, and there would not be an unacceptable impact on local communities, businesses or other users of the network or any such impacts can be appropriately mitigated. It also requires suitable access and enough space for on-site manoeuvring, parking and loading/unloading, and requires a transport assessment or green travel plan where significant levels of traffic are created.

6.14 **MWJP Policy D06:** Landscape - states all landscapes will be protected from harmful effects of development, with proposals only being permitted where it can be demonstrated there would be no unacceptable impact on the quality and/or character of the landscape, including if there are any mitigation measures proposed. The AONB and other nationally designated areas would have a very high level of protection with any unacceptable impact on landscape in these areas not being permitted. The policy further states schemes should be designed to have a high quality standard to mitigate any adverse impacts on landscape or tranquillity, especially in regards to the wider landscape context and any visual impact, and landscape enhancement should be provided.

6.15 **MWJP Policy D07:** Biodiversity and geodiversity - states proposals would be permitted where it can be demonstrated, having taken into account mitigation measures, that there will be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites and features, Sites of Importance for Nature Conservation, Sites of Local Interest and Local Nature Reserves, local priority habitats, habitat networks and species, having taken into account any mitigation measures proposed. Further stating development would not be permitted that would result in an unacceptable impact to locally important sites and assets unless it can be demonstrated that the benefits clearly outweigh the nature

conservation value or scientific interest and the proposed mitigation or compensatory measure are equivalent to the value of the site. It encourages through design that schemes should seek to contribute positively towards the delivery of agreed biodiversity and/or geodiversity objectives. The proposals must also consider cumulative impacts in combination with individual impacts from the same development and/or through combinations of impacts in conjunction with other development and proposals should only be permitted where there would not have unacceptable cumulative impacts.

6.16 MWJP Policy D09: Water environment - states

- 1) *'Proposals for minerals and waste development will be permitted where it can be demonstrated that no unacceptable impacts will arise, taking into account any proposed mitigation, on surface or groundwater quality and/or surface or groundwater supplies and flows.*
- 2) *In relation to surface and groundwater quality and flows, a very high level of protection will be applied to principal aquifers and groundwater Source Protection Zones. Development which would lead to an unacceptable risk of pollution, or harmful disturbance to groundwater flow, will not be permitted.*
- 3) *Permission for minerals and waste development on sites not allocated in the Joint Plan will, where relevant, be determined in accordance with the Sequential Test and Exception Test for flood risk set out in national policy. Development which would lead to an unacceptable risk of, or be at an unacceptable risk from, all sources of flooding (i.e. surface and groundwater flooding and flooding from rivers and coastal waters) will not be permitted.*
- 4) *Proposals for mineral and waste development should, where necessary or practicable taking into account the scale, nature and location of the development proposed, include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures including use of sustainable drainage systems.'*

6.17 MWJP Policy D10: Reclamation and afteruse - states restoration and aftercare elements are required to be carried out to a high standard and have taken into account the scale, location and context of the site. The restoration of the site must give rise to positive impacts and consider cumulative impacts and the potential impact of climate change. The restoration of the site must also where appropriate be progressive and phased so it is complete at the earliest opportunity and provided for a longer term implementation and management of the site except in cases of agriculture or forestry afteruses where a statutory 5-year maximum aftercare period would apply. The above is stated as Part 1) of the policy, in addition to this part 2) gives further specifics stating targets and objectives for developments within certain landscapes. In this instance the relevant category within Part 2) are:

- iv) *'Within airfield safeguarding zones, particularly where reclamation for biodiversity is involved, ensure proposals for reclamation and afteruse respect safeguarding constraints whilst maximising the potential restoration and afteruse benefits delivered by the site;*
- viii) *Achieving significant net gains for biodiversity which help create coherent and resilient ecological networks. Where practicable, proposals should contribute significantly to the creation of the habitats of particular importance in the local landscape seeking to deliver benefits at a landscape scale.....'*

6.18 MWJP Policy D11: Sustainable design, construction and operation of development - states proposals would be permitted where it has been demonstrated that measures appropriate and proportionate to the scale and nature of the development have been incorporated into its design, construction and operation in relation to a number of items including minimisation of greenhouse gas emissions through the transport of materials, minimising the amount of waste, increasing energy efficiency, implementation of landscape planting and where possible incorporating new wildlife habitat.

6.19 MWJP Policy D14: Air Quality - states 'Proposals for mineral and waste development will be permitted provided that:

- (a) *there are no unacceptable impacts on the intrinsic quality of air; and*

(b) *there are no unacceptable impacts on the management and protection of air quality, including any unacceptable impacts on Air Quality Management Areas.'*

Selby District Core Strategy Local Plan (2013)

- 6.20 The Selby District Core Strategy Local Plan (adopted 2013) is the long-term strategic vision which sets out a number of broad policies to guide development principles for the area. The Core Strategy does not contain any policies specific to minerals or waste-related development ('County Matters'), but there are general development management policies which are relevant to this application. In this instance, the policies most relevant to the determination of this application are:
- SP1 – Presumption in Favour of Sustainable Development
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality
- 6.21 Due to the age of the Selby District Core Strategy Local Plan policies, they have to be assessed against the recently updated National Planning Policy Framework 2021 (NPPF) to determine their consistency with the NPPF and the weight to be attached.
- 6.22 **Policy SP1** (Presumption in Favour of Sustainable Development) of the Selby District Core Strategy states that a positive approach that reflects the presumption in favour of sustainable development should be taken when considering development proposals in line with the NPPF. Planning applications that accord with policies in the Local Plan should be approved without delay, unless material considerations indicate otherwise.
- 6.23 This policy is in line with paragraph 11 within Chapter 2 (Achieving Sustainable Development) of the NPPF which deals with the presumption in favour of sustainable development and as such full weight can be given to this policy in the determination of this application.
- 6.24 **Policy SP18** (Protecting and Enhancing the Environment) of the Selby District Core Strategy seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. The policy sets out that safeguarding and enhancing the historic and natural environment is important in the determination of any planning application acknowledging the importance of the landscape character and setting of the area. The policy states this also includes promoting stewardship of wildlife safeguarding protected sites and ensuring developments retain and protect features of biological importance, seeking to produce a net gain and encouraging positive biodiversity actions as defined by the local biodiversity action plan. This policy is generally considered to be consistent with paragraphs 174 and 185 within Chapter 15 (Conserving and Enhancing the Natural Environment) of the NPPF and therefore substantial weight can be given to this policy in the determination of this application.
- 6.25 **Policy SP19** (Design Quality) of the Selby District Core Strategy states development would be required to enhance community cohesion by way of high quality designs with regard to local character, identity and context of its surroundings, including historic townscapes, settlement patterns and the open countryside. Proposals where appropriate should consider design codes and Neighbourhood Plans to achieve good design. The policy also sets out the principles to achieve design quality for both residential and non-residential development. Additionally, it promotes open spaces and green infrastructure that contribute to the health and social well-being of the local community. It also seeks to prevent development from contributing to unacceptable levels of light or noise pollution.
- 6.26 This policy is in line with paragraph 130 within Chapter 12 (Achieving Well Designed Places) of the NPPF which also states that proposed developments must have the ability to *'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the developments.'* The National Planning Practice Guidance for Design

states that development should *'Enhance the quality of buildings and spaces, by considering amongst other things form and function.'* Therefore, it is considered that full weight can be given to this policy in the determination of this application.

Selby District Local Plan (2005) 'saved' policies

- 6.27 Notwithstanding the adoption of the Selby District Core Strategy Local Plan in 2013, referred to above, some of the policies in the existing Selby District Local Plan (adopted in 2005 and 'saved' in 2008 by Direction of the Secretary of State) remain extant following the adoption of the Core Strategy. It does not contain any policies specific to minerals or waste-related development ('County Matters'), but there are general development management policies that are relevant to this application. As these policies pre-date the publication of the NPPF, the weight given to them depends on their consistency with the NPPF. In this instance, the 'saved' policies most relevant to the determination of this application are:
- ENV1 – Control of Development
 - ENV2 – Environmental Pollution and Contaminated Land
 - ENV15 – Locally Important Landscape Areas
 - T1 – Development in Relation to the Highway Network
 - T2 – Access to Roads
- 6.28 **'Saved' Policy ENV1** (Control of Development) of the Selby District Local Plan advises that *'Proposals for development will be permitted provided a good quality of development would be achieved. In considering proposals the District Council will take account of:*
- 1) *The effect upon the character of the area or the amenity of adjoining occupiers;*
 - 2) *The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking;*
 - 3) *The capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure;*
 - 4) *The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping;*
 - 5) *The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area;*
 - 6) *The extent to which the needs of disabled and other inconvenienced persons have been taken into account;*
 - 7) *The need to maximise opportunities for energy conservation through design, orientation and construction; and*
 - 8) *Any other material considerations.'*
- 6.29 The most relevant criterion of 'saved' Policy ENV1 to the proposed development are 1), 2) and 5). The NPPF (paragraphs 174, 180, 185 and 188) states the effects on the natural environment or general amenity, and the potential sensitivity of an area to adverse effects should be taken into account. With regards to transport, the NPPF paragraph 110 advises improvements to the transport network should be considered and that transport proposals should be assessed, be sustainable and safe. The NPPF paragraph 111 confirms that development should only be prevented or refused on highway grounds, where there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe. The policy is consistent with the NPPF and therefore full weight can be given to it in the determination of this planning application..
- 6.30 **'Saved' Policy ENV2** (Environmental Pollution and Contaminated Land) of the Selby District Local Plan states that *'A) Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences.'* This policy is in line with paragraph 185 of the NPPF which states that decision should *'ensure that new development is appropriate for its location'* and should *'avoid noise giving rise to significant*

adverse impacts on health and the quality of life. Therefore, it is considered that full weight can be given to this policy in the determination of this planning application.

- 6.31 **‘Saved’ Policy ENV15** (Locally Important Landscape Areas) of the Selby District Local Plan states *‘Within the locally important landscape areas, as defined on the proposals map, priority will be given to the conservation and enhancement of the character and quality of the landscape. Particular attention should be paid to the design, layout, landscaping of development and the use of materials in order to minimise its impact and to enhance the traditional character of buildings and landscape in the area.’* This policy is considered to be consistent with paragraph 174 of the NPPF and therefore full weight can be given to it in the determination of this planning application.
- 6.32 **‘Saved’ Policy T1** (Development in Relation to the Highway Network) of the Selby District Local Plan states that *‘Development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer.’* This policy is consistent with the objectives of the NPPF that improvements to the transport network should be considered, and NPPF paragraph 111 states that *‘development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’* Therefore, it is considered that full weight can be given to this policy in the determination of this planning application.
- 6.33 **‘Saved’ Policy T2** (Access to Roads) of the Selby District Local Plan states *‘Development proposals which would result in the creation of a new access or the intensification of the use of an existing access will be permitted provided:*
 1) *There would be no detriment to highway safety; and*
 2) *The access can be created in a location and to a standard acceptable to the highway authority.’*
- 6.34 This policy is in line with the principles of the NPPF as outlined in Chapter 9 (Promoting Sustainable Transport) of the Framework. NPPF paragraph 110 states that access to a site should be safe and suitable for all users and paragraph 111 of the NPPF states that *‘development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’* Therefore, this policy can be given full weight in the determination of this planning application.

Other Considerations

Emerging Selby District Council Local Plan (New Local Plan)

- 6.35 Although not yet part of the statutory *Development Plan*, it is worth noting that the following document contains emerging local policies that are of relevance to this application, a material consideration and to which proportionate weight can be attached:
- Selby District Council Local Plan Preferred Options Consultation 2021.
- 6.36 The Selby District Council ‘New Local Plan’ (the Plan) is in its formative stages. A public consultation on the ‘Selby District Council Local Plan Preferred Options (2021)’ was held between 29 January and 12 March 2021. The new Local Plan is described as *‘a vision and framework for future growth of the district, identifying where new housing, employment and other development could take place’* and sets out the policies against which planning applications will be considered. It does not include any preferred options or policies relating to minerals or waste development. The new Local Plan is still at the consultation stage and has not been through examination. Therefore, whilst the emerging preferred approaches are acknowledged and those relevant to this proposal set out below, it is considered little weight can be attached to them at this stage in the plan process.

- 6.37 The consultation document *'sets out the Council's preferred approach to development growth in the District up to 2040.'* The list of Preferred Approaches considered most relevant to this proposal are:
- Preferred Approach SG1 - Achieving Sustainable Development
 - Preferred Approach SG9 - Design of New Development
 - Preferred Approach NE3 - Protect and Enhance Landscape Character
 - Preferred Approach NE5 - Biodiversity Net Gain for Ecological Networks
 - Preferred Approach NE6 - Trees, Woodland and Hedgerows
- 6.38 **Preferred Approach SG1** (Achieving Sustainable Development) states the Council will take a positive approach when considering development that reflects the presumption in favour of sustainable development and will always work positively with applicants to find solutions so a proposal can be approved wherever possible and securing improvements to the locality's social, economic and environmental conditions. It also states that planning applications that accord with the policies in the draft Local Plan (and with policies in neighbourhood plan, where relevant) will be approved without delay, unless material considerations indicate otherwise.
- 6.39 **Preferred Approach SG9** (Design of New Development) states that all new development should be high quality design which responds positively to the special character and local distinctiveness of the area. The policy lists criteria for proposed development should seek to including:
2. *'Respond to its location in terms of the natural, historic and built environment reflecting important views and landscapes;*
 8. *Seek to protect residential amenity by ensuring proposals do not have adverse impact on overlooking, loss of privacy, light or disturbance from noise, vibration, odour or fumes;*
 10. *Make sure that adequate access and internal roads are provided to ensure safe internal vehicular movements.'*
- 6.40 **Preferred Approach NE3** (Protect and Enhance Landscape Character) states *'proposals which protect, enhance or restore the landscape character of Selby District and the setting of settlements for its own intrinsic value and for its benefit to the economic, environmental and social well-being of the District will be supported.'*
- 6.41 **Preferred Approach NE5** (Biodiversity Net Gain for Ecological Networks) seeks to protect the district's wildlife and deliver at least 10% net gain in biodiversity for ecological networks.
- 6.42 **Preferred Approach NE6** (Trees, Woodland and Hedgerows) seeks to prevent the loss of, and to enhance, trees, woodland and hedgerows, and proposals will be supported where:
1. *'If necessary, there has been a suitable assessment of the woodland, trees and hedgerows, to a recognised professional standard which is able to demonstrate evaluation of these features for realistic long-term retention, and how this has positively informed the design process; and*
 2. *It has been demonstrated how retained features are to be protected during development; and*
 3. *There has been an appropriate replacement planting scheme agreed in writing to the Local Planning Authority, where the felling of trees or the removal of hedgerow is proved necessary; and*
 5. *Any proposals for the removal of trees, woodland and/or hedgerows should not increase the risk of flooding;....'*

Other policy considerations:

National Planning Policy

- 6.43 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:

commrep/20

- National Planning Policy Framework (NPPF) (published 2021)
- National Planning Policy for Waste (NPPW) (published October 2014)

6.44 For ease of reference, the relevant NPPF and NPPW paragraphs herein referred are appended to this report as Appendix A.

National Planning Practice Guidance (PPG) (2014)

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

7.0 Planning considerations

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the *Development Plan* unless material considerations indicate otherwise. In light of the abovementioned policies, the main considerations in this instance are the following:

Principle of the proposed development

7.2 The proposed development seeks to import 40,000 tonnes of materials consisting of excavated materials, which would be sourced from local construction sites, to infill and re-profile the disused former quarry. It is acknowledged that the site was previously granted planning permission ref. MIN2111 for tipping in 1974. However, the site has since become derelict and the quarry void remains unrestored. The application document indicates that all material would be compliant with the CL:AIRE 'Definition of Waste: Code of Practice', which facilitates the reuse of clean naturally occurring materials such as soils, clay, stone and earth from development sites. The quarry which the application seeks to infill is currently derelict following the end of quarrying operation and, as such, remains unusable land with steep quarry faces due to the previous quarrying operations. The scheme proposes to improve safety aspects of the site and enhance this derelict land by infilling and re-levelling the former quarry void to provide a beneficial afteruse of the site i.e. agricultural use. The site would be grass seeded upon final placement of soils with a wildflower grass seed mix and landscaping as final restoration. The Applicant affirms that once the site has been restored, it would undergo a 5 year period of aftercare, during which time, any necessary remedial measures would be undertaken and any failed planting would be replaced.

7.3 The NPPF is silent on guidance in relation to landfill waste and on land improvement schemes, but states contributions should be made which enhance the local and natural environment. It is noted that the site has remained derelict since the end of quarrying operation and, as such, has a negative impact on the local area including safety issues due to its steep and unstable quarry faces and has potential risks for a number of mature trees falling into the void. The proposed scheme would allow the restoration of the former quarry and bring back the site into use as agricultural land and, as such, it would have a positive impact on the local landscape, amenity and biodiversity. The proposal would result in an enhancement of derelict land through the use of waste to bring an area of land back to a condition that would improve the character of the local environment. It is considered that there is an overriding need for the proposal in terms of infilling as it would secure necessary land improvements and bring a derelict site back into use, with limited impacts on the area and no adverse impact on highway network. Furthermore, the proposal receives support within Policy W01 of the MWJP which states '*landfill of inert waste will be permitted...where it can be demonstrated that the import of the waste is essential to bring the derelict or degraded land back into beneficial use*'

and therefore, it is considered to be an acceptable location for disposal of inert/excavated waste via landfill. Policy D10 of the MWJP also seeks restoration to be carried out to a high standard appropriate to the scale and location of the development. It is therefore considered that the proposal is in compliance with Policies W01 and D10 of the MWJP in terms of restoring a former minerals site to provide the best practical form of restoration and aftercare and it is consistent with Paragraph 211 of the NPPF in terms of restoration and aftercare.

- 7.4 Policies W01, W05 and D01 of the MWJP are relevant in regards to the waste hierarchy, meeting waste management capacity requirements for construction, demolition and excavation waste and the need for a presumption in favour of sustainable development. The proposal is considered to be in compliance with these policies as the use of waste would help to restore degraded land back to beneficial agricultural use and therefore it would facilitate quarry reclamation, improve the natural environment in the locality including net gain in biodiversity and would not have a negative effect on economic, social and environmental conditions of the area.
- 7.5 The NPPW sets out the national framework for waste planning. The proposal is considered to be consistent with the objectives of NPPW and NPPF as it would facilitate a sustainable development, to secure the restoration of the former quarry void without harming the environment and enhancing the local area as it would provide beneficial afteruse, safe access of the land and increase biodiversity through additional planting.
- 7.6 The application has been subject to consultation with the Selby District Council Planning Department and they state in their response that the Council are supportive in principle of the remediation and restoration of the former quarry.
- 7.7 The proposed development would restore the derelict land which will improve the safety aspects of the site and enhance the character of the surrounding local area and, as such, receives support within Paragraph 11 of the NPPF which promotes sustainable development. Furthermore, the proposal is consistent with Paragraphs 174 and 185 of the NPPF by helping to minimise the effects on the natural environment and amenity of the area as it would restore derelict land and provide beneficial afteruse. Further support for the development is received through Policy D01 of the MWJP, Policies SP1 and SP18 of the Selby District Core Strategy and 'saved' Policy ENV1 of the Selby District Local Plan which all seek to support sustainable development and improve the natural environment in the locality. As per Paragraph 48 of the NPPF, the proposal is also consistent with Preferred Approach SG1 of the emerging Selby District Council Local Plan on sustainable development. It is therefore considered that the proposed development is acceptable in principle, subject to the consideration of other matters.

Design

- 7.8 The proposed development has been designed to improve and restore back the derelict land to beneficial afteruse. The proposed development for the infilling of the quarry void is not considered to have an adverse visual impact due to the location of the quarry being to the rear of the residential properties and, as such, views towards the quarry void and the proposed development would not be readily visible from any public vantage points around the site. Furthermore, mature trees, hedgerows and shrubs have re-vegetated around the perimeter of the site on the boundary with adjacent residential properties and, as such, provide only limited views into parts of the quarry. The scheme proposes to retain existing landscaping as well as further planting proposed to mitigate the loss of some trees and enhance the landscaping and, as such, the proposal is considered to improve the appearance of the site.
- 7.9 It is acknowledged that the proposed site cabin and parking area as well as the temporary new site access would be visible from Rawfield Lane. However, due to the small scale and siting of the proposed site cabin to the south east corner of the site, it

is not considered to have an adverse visual impact on the street scene. The proposed temporary site cabin would be set back from the public highway of Rawfield Lane and would occupy a position towards the rear of the site, adjacent to the neighbouring property and, as such, would not be seen as a prominent feature within the street scene. Additionally, it would be perceived as an outbuilding structure similar to existing garden structures/outbuildings found within the vicinity of the site. In regards to the proposed parking area and temporary site access, it is not considered to have an adverse impact on the street scene due to the nature and layout of the proposed scheme being in keeping with the surrounding area. Furthermore, upon completion of the quarry reclamation, the temporary parking area, site cabin and temporary site access would be removed and the area restored to its original form. Additionally, no concerns or representations have been received in relation to design aspect of the proposed development. It is therefore considered that the proposed development is in compliance with Policies D02 and D11 of the MWJP as the development is appropriate to its location and designed to minimise impact on the amenity of the surrounding area. The proposal is also in compliance with Policy SP19 of the Selby District Core Strategy Local Plan and 'saved' Policy ENV1 of the Selby District Local Plan which seek to ensure that developments would not detract from the appearance and character of the surrounding area. Additionally, the proposal is consistent with the principles of the NPPF in Paragraph 130 and Preferred Approach SG9 of the emerging Selby District Council Local Plan for design due to it being of an appropriate design, optimising the use of the site without adversely affecting the local character and appearance of the area and creating a safe environment.

Local amenity

- 7.10 In terms of impact on local amenity, potential amenity impacts including any possible noise and dust issues need to be considered in this application due to the nature of proposed development and proximity of the site to residential properties.
- 7.11 The site is located within a residential area and bounded by residential properties to the north, east and west of the site. The nearest residential properties and sensitive receptors to the application site include the property known as 'Windhook' located immediately adjacent to and east of the proposed site entrance and 'The Haven' which is located approximately 10 metres to the west of the site. Also, a row of properties along the northern side of Rawfield Lane are located to the north of the site, approximately 20 metres being the closest and properties on Lunnsfield Lane are located approximately 50 metres from the western site boundary. The application documents indicate that notices have been served on both properties 'Windhook' which is vacant and 'The Haven' in regards to the proposed development. It is also acknowledged that objections from members of local community to the proposed development have been received, highlighting concerns in relation to health and quality of life due to noise, dust and pollution arising from the proposal. Additionally, representations in support of the application have been received as well highlighting the need of reclamation of quarry void, positive impact on the surrounding environment and proposal would address safety issues.
- 7.12 The proposed scheme seeks to restore the site which is currently a derelict former quarry void area and in need of remediation and restoration works to return the site to a better landform and beneficial afteruse. Furthermore, the proposed development is considered necessary to improve the health and safety of the former quarry due to its steep and unstable faces and its proximity to the rear garden of some of the residential properties that abut the site boundary and, as such, it has a potential risk of anyone falling into the quarry void. Given the location of the site and nature of the proposal, it is considered that the operational impacts of the proposed development would be limited to the immediate locality and would be for a temporary period. Furthermore, it is considered any impacts can be mitigated against by suitable planning conditions.

- 7.13 In regards to noise arising from the operation of proposed development, there is proposed to be used one dozer and one excavator on site during the construction phase and, as such, it is considered unlikely to have a significant adverse impact on neighbouring amenity. Furthermore, the machinery would be located at the base of the quarry void and the site is bounded by existing boundary treatment consisting of evergreen hedgerow and mature deciduous trees which would act as a noise barrier and mitigate the effect of any noise generated at the site. It is noted as the scheme progresses, the machinery would be at a higher level than the start of the development; however, the existing boundary treatment would continue to provide mitigation and, as such, the effects of noise generated from the proposed development is not considered to have an adverse impact upon neighbouring amenity. Furthermore, the application submission includes a Construction Environmental Management Plan (CEMP) which states *'a noise threshold associated with the works of 65 db $L_{Aeq,9hours}$ at 1m from the façade of residential dwellings outside the ownership boundary has been adopted for this project.'* It is therefore considered that the noise from the proposed infilling works would not result in undue harm upon local amenity and could be controlled by condition (see Condition No. 5 within Section 9.0 of this report) restricting working hours to protect the amenity of the area.
- 7.14 It is also acknowledged that additional noise could be generated through vehicular movements including HGVs given the nature of the proposed development which is likely to be frequent during the infilling stage. However, the proposed development would be for temporary period. The Transport Statement provides the details of the average number of HGV movements and total daily trips based on 6, 12 and 18 months construction period, detailed in paragraph 3.4 above. Materials would be delivered on site between the hours of 8am and 5pm, Mondays to Fridays only and no operations would take place on Saturdays, Sundays or Bank or public Holidays. Furthermore, all HGVs would access the site via the A63 and no HGV would turn left out of the site or travel through the village of Fairburn. It is therefore considered that movements of vehicles along the surrounding existing highways to and from the site would not give rise to significant detrimental noise or disturbance upon the amenity of the residents within the locality and could be controlled by condition (see Condition Nos. 6 and 10) restricting number of lorries arriving at the site and machinery fitted with effective noise attenuation equipment to protect the residential amenity.
- 7.15 In regards to dust and pollution, the proposed development has potential to cause dust issues arising from the site due to the operations of the tipping and depositing of material required to infill the former quarry void and transportation of such materials across the site. The application document CEMP makes reference to dust control from landfill operations, proposing standard measures to reduce dust such as HGVs transporting materials are sheeted; enforce vehicle speed limit of 10mph on site; good housekeeping measures to promote a clean and tidy site; use of water sprays to dampen material stockpiles during dry or windy conditions, if required; use of water sprays/water bowsers to dampen haul roads or other site areas during dry or windy conditions, if required; temporary closure of site and employment mitigation measures when dust is seen to be emitted beyond the boundaries of the site either from operational areas or haul roads; and temporary closure of site during exceptionally windy conditions, if considered necessary by the Site Manager. It is therefore considered that due to the dust mitigation strategies proposed at the site, the proposed development would not have an adverse impact upon the amenity of local residents including air quality and any potential dust issues could be controlled by condition (see Condition Nos. 7 and 11) to protect the local amenity.
- 7.16 Furthermore, the application has been subject to consultation with the Selby District Council Environmental Health Officer (EHO) and the NYCC Highway Authority. Both the EHO and Highway Authority have not objected to the scheme. The EHO has assessed the documents submitted with the application and is satisfied with the details

of the CEMP and has recommended a condition (see Condition No. 11) to be imposed for compliance with the CEMP in order to mitigate impacts on the local residents. The Highway Authority do not consider it appropriate for HGVs to travel through Fairburn village and have also highlighted the existence of the Traffic Regulation Order which is operating on Rawfield Lane and this may need to be revised to allow the operation to take place. Also the NYCC Highway Authority have requested four conditions and two informatives to be imposed on any grant of planning permission. It is considered reasonable and necessary as outlined in Paragraph 56 of the NPPF to impose such conditions recommended by the EHO and Highway Authority to protect and mitigate any potential impacts upon local amenity. In addition to the condition requiring compliance with the CEMP, it is also considered reasonable to impose conditions in relation to restricting working hours (see Condition No. 5) and number of vehicle movements (see Condition No. 6), on its entirety, on any grant of planning permission to protect the amenity of the local area.

- 7.17 It is also acknowledged that the Fairburn Parish Council have raised concerns in relation to the type of materials proposed to infill the quarry void. The applicant has confirmed in a letter dated 9 February 2021 that *'the site would be infilled and reprofiled using only clean excavated materials, sourced from local construction sites. Only clean, naturally occurring materials such as soils, clay, stone and earth from development sites would be accepted at the site. No waste materials or materials not complying with CL:AIRE would be accepted under any circumstances.'*
- 7.18 It should be noted that Paragraph 7 of the NPPW and Paragraph 188 of the NPPF makes clear that the planning system and pollution control systems are separate. It states that the planning system should focus on the use of the land and whether the proposed development is appropriate. The control of the processes or emissions is regulated by the Environment Agency and the two systems of planning and pollution control should complement, but not duplicate each other. The control of processes is subject to a separate environmental permitting regime. Waste planning authorities are advised to assume that the relevant pollution control regime would be properly applied and enforced. In this instance, the proposed development would be subject to other regulatory control by the Environment Agency through the waste permit system and, as such, the proposed landfill restoration would be controlled by Environment Agency Permit to determine the type and volume of materials imported to the site.
- 7.19 It is noted that the Parish Council's concerns remain however, the application has been subject to consultation with the Environment Agency and they have no objection to the proposed scheme subject to their recommended advice (detailed in paragraph 4.12 above) which would be added on the grant of any planning permission.
- 7.20 For the reasons detailed above, although objections in relation to noise and dust are noted, it is considered that the proposed development would not have an adverse impact upon the residential amenity. Furthermore, it is considered that cumulative impacts (noise, dust, pollution etc.) could be controlled and mitigated to minimise impacts arising from the proposed development and, as such, it is considered that the proposed development would not give rise to detrimental adverse effect on the health and living conditions of the existing and future community. It is therefore considered that the proposed development is in compliance with Policies D02 and D14 of the MWJP in relation to local amenity and cumulative impacts as the proposed scheme would not have unacceptable impact on local amenity and air quality with the effects being mitigated against and conditions imposed to regulate noise and dust generated at the site. The proposal is also in compliance with Policy SP19 of the Selby District Core Strategy Local Plan and 'saved' Policy ENV1 of the Selby District Local Plan; all of which seek to ensure that developments do not adversely impact upon local amenity. Additionally, the proposal is consistent with Paragraphs 174 and 185 of the NPPF, Paragraph 7 of the NPPW and the PPG as a good standard of amenity can be achieved

given the temporary nature and scale of development, boundary treatment and mitigation measures. The proposal is also consistent with the Preferred Approach SG9 of the emerging Selby Local Plan in relation to protection of local amenity.

Landscape, Visual Impact and Restoration

- 7.21 The proposed development is located adjacent to the West Yorkshire Green Belt. However, the application site is wholly located within the Development Limits of Fairburn village.
- 7.22 The site, currently, is disturbed land due to previous quarrying operations and remains an unrestored landform and, as such, provides limited value to the Fairburn village in terms of landscape character and visual amenity. Furthermore, in the wider landscape context, the site is not visually prominent in the area due to its location to the rear of residential properties and bounded by existing mature trees. Although the site occupies a position to the rear of residential gardens, it is not directly overlooked due to the extensive landscaping which predominantly screens the site and only provides limited glimpses into the site from the abutting residential properties and, as such, it is considered that the proposed development would not be visually intrusive, nor harm the amenities of the local area.
- 7.23 The proposed development seeks to improve and enhance the currently unusable derelict land through the infilling of the former quarry void and subsequent restoration works to bring the site back to a higher standard and beneficial landform and, as such, it is considered that the proposal would result in an improvement to the existing visual amenity and provide reclamation of the former quarry void to an appropriate standard for agricultural after-use. It is noted that the site benefits from extensive landscaping including mature boundary trees which form the primary skyline of the site and local feature and, as such, the scheme proposes to protect these trees throughout the development so that it can continue to effectively screen the site as well as protect visual amenity and the local character of the area. Although, some trees and a section of hedgerow would be removed to facilitate the development, however, as part of the restoration, the scheme proposes additional planting works to enhance the landscape character and visual amenity of the site. Furthermore, it is considered that the tree species requested by NYCC Ecology would have a positive impact on the character of the area. Additionally, the NYCC Principal Landscape Architect has no issues with the proposed planting as the proposed planting mix would not have an unacceptable or harmful impact on the surrounding landscape. It is therefore considered that the proposed development would not have an adverse impact upon the character of the area and would provide a suitable final restored landform in keeping with the surrounding area.
- 7.24 In terms of landscape designation, the site is not located within a Nationally Designated Landscape; nor is it within a National Park or Area of Outstanding Natural Beauty. The Applicant has undertaken a Landscape and Visual Impact Appraisal (LVIA) as requested by the NYCC Principal Landscape Architect. The LVIA provides details of the landscape character of the site at national and local level. It states *'At national level, the Site has been identified as located within the Southern Magnesian Limestone No. 30 Character Area (LCA). At a regional/local level, within North Yorkshire's Landscape Categorisation, the Site is identified as being located within the Limestone Ridge (5), Character Type, and within the Selby District Landscape Character Assessment, as being located within Character Area 8: West Selby Limestone Ridge.'*
- 7.25 The LVIA makes an assessment of the proposed development and considers the potential impact of the proposed scheme on the landscape character (national and local level) and visual effects. The assessment concludes that the proposed development would not result in any significant adverse effects on landscape character within either the operational period of the proposal or upon final restoration due to a small scale

temporary development of a previously unrestored landform cutting which offers limited value in respect of landscape character. Furthermore, the proposal would provide beneficial future effects on landscape character through a combination of topography remediation, new native woodland and managed conservation grassland habitats. The exiting mature boundary tree planting would be protected and retained through the proposed operational development and the restoration would strengthen this primary local landscape element.

- 7.26 The LVIA also makes an assessment of visual impacts through the production of Zones of Theoretical Visual Influence (ZTVI) information together with desktop and site survey works to identify potential visual receptors of both the existing site and the proposed development which identified a series of representative and individual receptors. The assessment finds the potential for actual views of the site to apply to only a select number of primarily short-range views due to the screening afforded by both landform and vegetation within the surrounding landscape. It concludes that no visual receptors would receive a significant adverse visual impact associated with the proposed development and subsequent restoration due to short-term temporary nature of the proposal. Furthermore, upon final restoration, receptor locations that were assessed as receiving an adverse visual effect within the operational period, would then be receiving beneficial effects as a result of replacing a degraded and disturbed quarry landscape/landform with a quality landform and surface restoration.
- 7.27 The Applicant also provided a further report 'Supplementary Information: Scheme Design, Landscape Character & Visual Amenity' addressing NYCC Principal Landscape Architect's comments as well as taking into account discussions between the NYCC Landscape Architect and the Applicant's Landscape Architect and a site meeting in relation to tree protection measures. As a result of this, the proposed scheme has been re-designed to enable supplementary arboricultural and tree root protection measures to be integrated in relation to retained boundary trees/vegetation including an additional 2 metre stand-off and buffer during the initial development phase followed by a site meeting with the County Planning Authority to agree final fill levels. This has resulted the scheme having a slightly lower level restoration landform, retaining the upper most faces of the existing quarried landform and protecting the elevated boundary woodland. The report concludes that the proposed development could be successfully integrated within the existing setting of the residential properties situated in proximity to the former Watergarth Quarry without significant adverse effects within its operational period due to short-term temporary nature of the proposal. It also considers that the proposed development and restoration works would provide significant landform, land use and biodiversity benefits supporting long-term establishment of locally distinctive and characterful skyline woodland.
- 7.28 The application has been subject to extensive consultation with the NYCC Principal Landscape Architect who initially objected to the proposed scheme stating further information is needed to demonstrate that the landscape and visual effects are within acceptable limits and required a suitable landscape restoration scheme. The NYCC Principal Landscape Architect requested the submission of a Landscape and Visual Assessment (LVA), Tree Survey, Arboricultural Impact Assessment and Method Assessment, Landscape Restoration Masterplan, soil restoration and handling details, proposed boundary treatment details, maintenance and aftercare including schedule (minimum 5 years) and long-term maintenance and management objectives. Paragraphs 4.7 to 4.7.3 above summarises the information submitted and steps taken including a site visit/meeting by the Agent to address the NYCC Principal Landscape Architect's concerns.
- 7.29 Through ongoing discussions and submission of additional/revised information, the NYCC Principal Landscape Architect's concerns have been addressed. The NYCC Principal Landscape Architect has considered all the revised and additional information

and is satisfied with the proposed scheme including removal of trees and hedgerow to facilitate the development and the additional measures set out within the Arboricultural Method Statement in relation to tree protection measures of retained boundary trees. The NYCC Principal Landscape Architect recommended conditions to be imposed in relation to control working hours (see Condition No. 5), landscape and biodiversity management plan (see Condition No. 22), detailed landscape scheme (see Condition No. 23) and tree protection measures (see Condition No. 28) on any grant of planning permission in order to protect local amenity, character and setting and to ensure successful restoration.

- 7.30 The application has also been subject to consultation with NYCC Arboricultural Officer and the Arboricultural Officer has no objection subject to conditions imposed in relation to a detailed Arboricultural Method Statement and Tree Protection Plan on any grant of planning permission.
- 7.31 For the reasons detailed above, it is considered that the proposed development would not have an adverse impact on the landscape character and visual amenity of the area in which the site is located and as a result of the reclamation works, it would provide long term beneficial effects to the surrounding natural environment. Furthermore, the restored landform together with the new planting, once established, and the existing landscaping would improve the visual amenity of the local area and enhance the site within the surrounding landscape. Additionally, any potential amenity impacts arising from the proposed development are capable of being adequately mitigated and controlled by conditions. It is therefore considered that the proposed development is in compliance with Policies D06 and D10 of the MWJP in relation to landscape and visual impact and restoration and aftercare to be carried out to a high standard. The proposal is also in compliance with Policy SP18 of the Selby District Core Strategy Local Plan and 'saved' Policies ENV1, ENV2 and ENV15 of the Selby District Local Plan which seek to ensure developments would include landscape requirements to enhance the character and appearance of the site and local area. Additionally, the proposal is consistent with the principles of the NPPF outlined in Paragraphs 174, 180, 183 and 211 (part e) and the PPG for the natural environment and restoration and aftercare at the earliest possible opportunity. It is also consistent with Preferred Approach NE3 and NE6 of the emerging Selby District Council Local Plan which all seek to protect and enhance landscape character.

Biodiversity, habitats, nature conservation and protected species

- 7.32 The application is accompanied by a Preliminary Ecological Appraisal (PEA) and a Bat Survey. The Applicant also submitted a Biodiversity Net Gain Report as requested by the NYCC Ecologist and Yorkshire Wildlife Trust.
- 7.33 The PEA report includes details of a desktop study, Phase 1 Habitat survey of the site, an assessment of potential impacts of the proposed scheme, appraisal of requirements for further survey work and appraisal of requirements for mitigation and potential enhancement measures. The report provides an assessment of the habitats present on site and determines their suitability for supporting protected species. The report details the proximity and features of statutory and non-statutory designated sites within 2 kilometres of the application site boundary, which are set out in Section 4 of the PEA. The report considers that the proposed works would not have an impact on any of the identified statutory and non-statutory designated sites due to the limited connectivity between the site and the surrounding designated sites. The report also provides assessment for each of the habitats and species recorded during the site survey findings which are set out in Section 5 of the PEA, details potential ecological impacts of the development within Section 6 and sets out mitigation and enhancement measures in Section 8.

- 7.34 The Applicant also commissioned a Bat Survey Report following an initial bat roost assessment undertaken as part of the PEA. The Bat Survey Report includes an assessment of desktop study and site survey of three buildings, a cave structure and one Ash tree with potential of bat roosting. The survey report finds no bats were observed or evidence found within the buildings, tree or cave structure. The assessment provides mitigation and enhancement measures set out in Section 6 of the Bat Survey Report.
- 7.35 The application has been subject to consultation with the NYCC Ecology, Natural England and Yorkshire Wildlife Trust.
- 7.36 It is noted that NYCC Ecology have not objected to the scheme; however, they requested further information/clarification in relation to bats, bird nest boxes and final restoration and afteruse and also requested the applicant to undertake a DEFRA Biodiversity Metric 2.0 calculation to demonstrate biodiversity net gain. The NYCC Ecology adviser also recommended conditions to be imposed in relation to bat surveys to be updated if there is delay in commencement of development, bat boxes, site clearance outside bird nesting period and walkover survey (see Condition Nos. 18, 19, 20 and 21 respectively). Paragraphs 4.6 to 4.6.6 above summarises the information submitted and steps taken by the Agent addressing the NYCC Ecology comments.
- 7.37 As requested by NYCC Ecology, the Applicant submitted a Biodiversity Net Gain Report to determine the impact of proposed development on biodiversity and to demonstrate biodiversity net gain. The DEFRA Biodiversity Metric 2.0 has been used to calculate the baseline biodiversity units within the application site red line boundary. The BNG Report provides the assessment, calculation and results of biodiversity units of the proposed development. The report concludes *'Based on the assessment conducted using the Defra 2.0 Biodiversity Metric, the habitat biodiversity value following the implementation of the restoration proposals is to provide a gain of 0.71 biodiversity units which represents a 28.56% gain for biodiversity. For hedgerows the overall change is a positive increase of 0.03 biodiversity units which represents a 70.61% gain for biodiversity.'*
- 7.38 A letter dated 9 February 2021 from Heatons Planning Environment Design provides ecological mitigation measures as well as confirming that the site is proposed to undergo a five year period of aftercare and the applicant would work with Yorkshire Wildlife Trust to facilitate provision of seed from local donor site. The letter also affirms that no external lighting is proposed to be installed or utilised at the site.
- 7.39 The NYCC Ecology adviser is satisfied with the additional/revised information addressing his previous comments, confirms that the BNG report demonstrates the proposed scheme would offer significant gain for biodiversity and recommends conditions in relation to aftercare and management scheme and adherence to the mitigation measures detailed in the letter dated 9 February 2021 by Heatons to be imposed on any grant of planning permission. It is considered reasonable to impose conditions (see Condition Nos. 17, 22, 25, 26 and 29) to mitigate any impact upon biodiversity.
- 7.40 In regards to consultation with Natural England, they have no objection. They have assessed the scheme and they consider that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 7.41 In regards to consultation with the Yorkshire Wildlife Trust (YWT), it is noted that YWT have objected to the proposed development and requested further information / clarification in relation to biodiversity net gain, bats and aftercare. YWT also suggested using DEFRA Metric 2.0 and offered the applicant to engage with them to facilitate local donor site for seed collection for grassland creation. Paragraphs 4.17 to 4.17.6 above

summarises the information submitted and steps taken by the Agent addressing the YWT concerns/objection.

- 7.42 Through the submission of additional/revised information, the applicant's agent addressed NYCC Ecology comments as well as YWT concerns including demonstrating significant BNG, detailed in the BNG Report referred above. However, YWT have maintained their objection on the grounds of proposed development not demonstrating 30 years maintenance and management requirement for BNG.
- 7.43 In regards to BNG long-term management requirement, it is acknowledged that since the submission of this planning application, the Environment Bill has received Royal Assent. The Environment Act section 100 (2)(b) specifies 30 years, but this will not become law until the relevant Regulations are published. It is noted that the mandatory BNG set out in the Environment Act is likely to become law in winter 2023.
- 7.44 The advice of NYCC Ecology has been sought in regards to 30 years maintenance and management requirement for BNG given the scale of the development and the BNG not being mandatory until 2023. The advice received was that a five year after-care period is reasonable due to the small scale of the site and its location not being strategically suitable in terms of habitat restoration.
- 7.45 Therefore based on the NYCC Ecology's guidance and given the scale and location of the site, a five year after-care period is considered reasonable which can be secured by a condition. Although YWT have requested 30 years maintenance and management, given that the requirement is not mandatory until the regulatory framework is established, it is considered that refusal of this planning application cannot be justified. Therefore, on balance, a 5 year after-care period is considered acceptable given the scale and location of the proposed development and on planning judgement seeking a condition to extend the aftercare period beyond the statutory 5 year is not considered to meet the necessary tests because of the small scale of the proposed development.
- 7.46 Furthermore, the BNG report has demonstrated significant BNG as referred above and the scheme is considered to provide an improvement of derelict land and enhance the natural environment. Additionally, the proposed scheme would continue to retain existing trees, hedgerows and vegetation to be maintained as natural habitats. It is considered that subject to the recommended planning conditions, the proposed development would not have an adverse impact upon the ecology and nature conservation value of the site and would provide an appropriate level of mitigation relating to biodiversity net gain and after-care. This is considered to be consistent with the principles of the NPPF which seeks that developments do not have an adverse impact upon the natural environment.
- 7.47 It is acknowledged objections from the local community have been received in regards possible impacts upon bats and biodiversity. However, for the reasons outlined above and mitigation measures controlled by conditions, it is considered that the proposed development would not have an adverse impact on bats and biodiversity.
- 7.48 It is therefore considered that subject to the mitigation measures secured by planning conditions, the proposed development would not have an adverse impact upon ecology and natural environment of the area. Therefore, the proposed development is considered to be in compliance with Policies D07 and D10 of the MWJP for the protection and enhancement of biodiversity and restoration and aftercare to be carried out to a high standard. The proposal is also in compliance with Policy SP18 of the Selby District Core Strategy Local Plan and 'saved' Policy ENV1 of the Selby District Local Plan for the protection of natural environment. Additionally, the proposal is consistent with the principles of the NPPF outlined in Paragraphs 174, 180, 183 and 188,

Appendix B of the NPPW and the PPG for the natural environment and biodiversity. It is also consistent with Preferred Approach NE5 of the emerging Selby District Council Local Plan which seeks a net gain on biodiversity.

Highways matters

- 7.49 The application is accompanied by a Transport Statement which was revised during the course of the consideration of the application to provide further information requested by the NYCC Highway Authority. A Construction Environment Management Plan (CEMP) has also been submitted in support of the planning application.
- 7.50 The application indicates that HGVs would arrive at the site transporting restoration materials to the site and no materials would be transported out of the site. The operational hours for the site are proposed to be between the hours of 0800 to 1700 Mondays to Fridays only and no operations would take place on Saturdays, Sundays or Bank or public Holidays. Access to the site for construction vehicles is proposed to be via a new temporary access off Rawfield Lane which would have suitable visibility splays (2.4metre x 43metre) for the 30mph road as shown on the Site Access plan attached to this report as **Plan 5**. All HGVs would access the site from the north only, via the A63, turning south into Rawfield Lane, then left into the site via the proposed new temporary access off Rawfield Lane. Upon arrival and when departing the site, all HGVs would be required to turn right onto Rawfield Lane routing towards the A1 via the A63. The proposed HGV route via the A63 would avoid lorry movements in the village of Fairburn. In addition to HGV movements, the scheme indicates 3 staff cars would travel to the site each day. The proposed scheme would provide temporary parking spaces for staff working on site and one visitor parking. However, no HGV parking is proposed on site and HGV parking would not be allowed on site other than for the purpose of statutory breaks as detailed in the CEMP (see Condition Nos. 4 and 11 requiring adherence to the approved documents and CEMP). Upon completion of the proposed development, the proposed new temporary site access and associated parking area would be removed and restored to their original condition.
- 7.51 It is considered that the proposed development represents a sustainable transport strategy which can be easily accommodated via well-suited roads whilst limiting impacts on Fairburn village and, as such, the impact upon the wider highway network and local amenity would be minimal and would take place for temporary period. It is noted that the application document provides vehicle movement details based on 6, 12 and 18 months transportation periods. The Agent has affirmed that based on the 18 months duration of the proposed development, on average the HGV movement would be 40 trips (20 vehicles in and 20 vehicles out) per day. The proposed 40 HGV total trips per day is considered to be reasonable given the proximity of the site to residential properties. Furthermore, it is not considered that the slight increase in vehicle movement would have detrimental impact upon the surrounding highway network and local amenity. Additionally, mitigation measures controlled by conditions would minimise any potential nuisance on the amenity of local residential properties and surrounding highway network.
- 7.52 The application has been subject to consultation with the NYCC Highway Authority and they have not objected to the proposed development. The Highway Authority's initial response requested further information in order to assess the proposed development and provide a recommendation. Paragraphs 4.9 to 4.9.2 above summarises the information submitted and the Highway Authority's re-consultation response. The Highway Authority is satisfied that the proposed development would not have severe impact on the local highway network. The Highway Authority do not consider it to be appropriate for HGVs to travel through Fairburn village and have also highlighted the existence of the Traffic Regulation Order which is operating on Rawfield Lane and this may need to be revised to allow the operation to take place. An informative has been added in regards to the existence of the TRO operating on Rawfield Lane. The Highway

Authority recommended four conditions and two informatives to be imposed upon any permission granted to mitigate any potential impact on residential properties and highway network. It is considered reasonable to impose conditions (see Condition Nos. 13, 14, 15 and 16) and informatives (see Informative Nos. 1 and 2) to protect amenity and highway safety.

- 7.53 The application has also been subject to consultation with the Selby District Council Environmental Health Officer (EHO) who has not objected to the proposed scheme. The EHO has assessed the documents submitted with the application and is satisfied with the details of CEMP and has recommended a condition to be imposed for compliance with CEMP in order to mitigate impacts on the local residents in relation to vehicle movements and working hours.
- 7.54 It is acknowledged that representations have been received from local residents objecting on road safety, noise and dust issues arising from the proposed development. Also the Fairburn Parish Council raised concerns for the access/egress to the site. However, for the reasons outlined above and based on the consultation responses from the Highway Authority and EHO, it is considered that the proposed development would not have a detrimental impact upon the surrounding highway network and local amenity and could be adequately mitigated against with suitable planning conditions. Furthermore, the proposed new temporary site access is considered able to achieve good visibility splays and the Highway Authority have considered the proposed scheme and have raised no issues in regards to the access/egress to the site.
- 7.55 It is therefore considered that the proposed development is appropriate in terms of capacity and safety and, as such, would not give rise to undue highway safety issues. The proposal is therefore considered to be in compliance with Policy D03 of the MWJP for sustainable transport and adequate capacity within the existing highway network. The proposal is also in compliance with 'saved' Policies ENV1, T1 and T2 of the Selby District Local Plan in regards to access and highway network. Additionally, the proposal is consistent with the principles of the NPPF outlined in Paragraphs 110 and 111 for sustainable transport and developments should only be refused if an unacceptable impact on highway safety arose, or the residual cumulative impacts on the road network would be severe.

Other Matters

- 7.56 The application has been subject to consultation with the Coal Authority even though there is no statutory requirement to consult Coal Authority as the site is located within the Coal Authority's 'Development Low Risk Area'. The Coal Authority have confirmed that *'there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted'* and recommended their standing advice to be appended to the decision notice as an informative note in the interests of public health and safety. It is therefore considered that the proposed development is acceptable in relation to ground stability and in line with Paragraph 183 of the NPPF which seeks to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, including from natural hazards or former activities such as mining and any proposals for mitigation.
- 7.57 The application has also been subject to consultation with the Ministry of Defence and in their response they state that the site is outside of Ministry of Defence safeguarding areas and therefore confirm that the MOD has no safeguarding objections to the proposed development. The proposal is therefore considered to be in compliance with criterion iv) of Part 2) of Policy D10 of the MWJP in relation to airfield safeguarding zones.

- 7.58 The application site is within Flood Zone 1 which is the lowest risk category for flooding. Nonetheless, the application has been subject to consultation with the Environment Agency. In their response they state that *'The site is considered to be in a highly sensitive groundwater location because it is located on Magnesium Limestone which is classified as a principle aquifer and an abstraction licence is located within 450 metres of the proposal.'* Based on the Environment Agency, Flood Map for Planning website, the site does not lie within a groundwater Source Protection Zone. Furthermore, the Environment Agency have assessed the proposed scheme and confirm that they have no objection to the proposed development. It is considered that the proposed development would not increase the risk of flooding as the proposed infill material would provide a free draining soil structure and therefore ensure that the resultant landform would not give rise to localised flooding during periods of heavy rainfall. Additionally, due to the site being in Flood Zone 1, the site is not considered to be at risk from surface water flooding and, as such, the proposed development would not give rise to any additional off-site flood risk. The site would be progressively restored as well as providing additional planting and hedgerow to provide mitigation measures for the effect of climate change. It is therefore considered that the proposed development is in compliance with Policy D09 of the MWJP which seeks to ensure proposal include measures to contribute to flood alleviation and other climate change mitigation.

8.0 Conclusion

- 8.1 Under the provisions of *Section 38(6) of the Planning and Compulsory Purchase Act 2004*, the starting position for the determination of this planning application is the *'Development Plan'*. The decision must be made in accordance with the extant policies of that *Plan*, unless there are material considerations, including any impacts upon interests of acknowledged important that would indicate that planning permission should not be forthcoming. The assessment of material considerations within the overall *'planning balance'* has been conveyed within Section 7.0 above.
- 8.2 There are a range of policies in the *'Development Plan'* to which due regard must be had, as well as a number of other material considerations. In considering the relationship of the proposal to the *'Development Plan'*, the proposal should be judged against the *'Development Plan'*, as a whole, rather than against individual policies in isolation and acknowledge that it is not necessary for proposals to comply with all policies to be found compliant. The relative weight to be attached to the policies in the *'Development Plan'* relevant to this proposal against is set out in Section 6.0 of this report.
- 8.3 The proposed development seeks consent for the reclamation and restoration works for the existing derelict former quarry void. The principle of the proposed development and its acceptability in land use planning terms are considered to have been satisfied and the proposed scheme represents a sustainable development, providing an improvement to the natural environment. Additionally, the proposed works would facilitate the restoration of derelict former quarry void to a landform that would be more compatible with the surrounding landscape and provide a beneficial after-use. The applicant, working positively with the County Council, has addressed the concerns of those consulted on the application as well as those who made representations, through amendments, additional information and site meeting to ensure that the scheme delivers satisfactory restoration of the site and any effects are mitigated against. The proposed scheme is considered to be acceptable subject to the proposed mitigation measures that can be adequately controlled by imposition of planning conditions.
- 8.4 Therefore, as outlined in Section 7.0 above, it is considered there are no material planning considerations to warrant the refusal of this application for the infilling and restoration of the former Watergarth Quarry with excavated materials, erection of a temporary single storey site cabin, formation of temporary site access, car parking area and associated hardstanding. The application, along with the supporting documents

and additional information, has been assessed and it is considered on balance that the proposed development would not have an adverse impact on local amenity, local highway network, the character of the surrounding area and landscape, ecology, the water environment or result in an acceptable impact on air quality or climate change. The proposed development would have a positive effect on the natural and surrounding environment as well as contribute to biodiversity of the area through additional landscaping and hedgerow planting. Therefore it is considered that the principle of the reclamation of the derelict land for a beneficial afteruse in this location is acceptable.

- 8.5 For the reasons mentioned above, it is therefore considered that, the proposed development is compliant with the policies which comprise the Development Plan currently in force for the area and all other relevant material considerations.

Obligations under the Equality Act 2010

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

Obligations under the Human Rights Act

- 8.7 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner that is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 8.8 Having had due regard to 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 it is in accordance with the law, necessary and in the public interest.

9.0 Recommendation

- 9.1 For the following reasons:
- i.) the principle of the proposed development is acceptable;
 - ii.) the proposed development would not have an adverse impact upon the openness or the purposes of including land within the Green Belt and as such it is considered not to be an inappropriate development;
 - iii.) the proposed development would not have an adverse impact upon the local character of the area, visual and residential amenity, highway network, environment quality or otherwise;

- iv.) the imposition of planning conditions would further limit the impact of the proposed development on the environment, visual and local amenity, the transport network and restoration and aftercare; and
- v.) the proposed development is consistent with the principles of the NPPF, NPPW, PPG and in compliance with the Policies W01, W02, W05, D01, D02, D03, D06, D07, D09, D10, D11 and D14 of the Minerals and Waste Joint Plan (adopted 2022), Policies SP1, SP18 and SP19 of the Selby District Core Strategy Local Plan (adopted 2013) and 'saved' Policies ENV1, ENV2, ENV15, T1 and T2 of the Selby District Local Plan (adopted 2005).

it is recommended that **PLANNING PERMISSION BE GRANTED** for the purposes of the infilling and restoration of the former Watergarth Quarry with excavated materials, erection of a temporary single storey site cabin, formation of temporary site access, car parking area and associated hardstanding on land at Former Watergarth Quarry, Rawfield Lane, Fairburn, Selby, WF11 9LD subject to the conditions below:

Conditions:

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

Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Pursuant to the implementation of the development in Condition No. 1 above, the applicant shall notify the County Planning Authority in writing confirming the date of commencement within 2 weeks of the date of commencement of the development.

Reason: In the interests of amenity and to comply with Section 91 of Town and Country Planning Act 1990 as amended.

3. The permission hereby granted authorises the disposal of excavated material, reprofiling and site restoration only for a period of 18 months from the date of commencement of the development. All operations on the site shall be discontinued and all machinery, building and temporary access associated with the development shall be removed from the site and the site fully restored by no later than 18 months after the date of commencement and in accordance with the approved restoration scheme as defined by Condition No. 25 below.

Reason: To ensure timely restoration in the interests of amenity.

4. The development hereby permitted shall be carried out in accordance with the application details dated 06 June 2022 (as amended) and the following approved documents and drawings:

Ref.	Date	Title
MON-002-W.D.001B	May 2022	Site Plan
D.002 Rev C	Jun 2022	Topographical Survey
MON-002-W.D.003 Rev C	Nov 2021	Cross Sections
MON-002-W.D.008 Rev D	May 2022	Proposed Landform Plan
MON-002-W.D.004 Rev D	May 2022	Landscaping Plan
D.005 Rev D	Jun 2022	Proposed Access and Parking Areas
001 Rev A	20/05/20	Site Access
D.006	-	Proposed Site Office Plan View
D.007 Rev A	-	Proposed Site Office Elevations View
No Ref. Rev F	Jun 2022	Planning Statement

CNY18324	Jun 2020 (Revised May 2022)	Cultural Heritage Assessment
No Ref. Rev V5	Jun 2022	Preliminary Ecological Appraisal
No Ref. Rev V4	Jun 2022	Watergarth Bat Survey Report
T001 Issue 5	Jun 2022	Transport Statement
No Ref. Rev D	Apr 2021	Construction Environmental Management Plan (CEMP)
No Ref. Rev V3	May 2021	Biodiversity Net Gain Assessment
AWA3946	Jun 2022	Arboricultural Report & Impact Assessment
AWA3946	Jun 2022	Arboricultural Method Statement
No Ref.	Sep 2021	Landscape & Visual Appraisal
No Ref.	-	LVA Appendix A – Drawings & Photosheets
No Ref.	-	Supplementary Information: Scheme Design, Landscape Character & Visual Amenity
MON-002-W-PS001	9 Feb 2021	Letter – Response to Consultation prepared by Heatons
-	-	Photo of site from road

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

5. The hours of operation (and associated deliveries to the site) of the development hereby permitted shall be restricted to 0800 – 1700 hours on Mondays to Fridays, with no work at any other time including Saturdays, Sundays and Bank (or Public) Holidays.

Reason: In the interests of public amenity.

6. HGV movements per day to the site shall not exceed 40 (20 vehicles in and 20 vehicles out) between the hours of 0800 – 1700 hours on Mondays to Fridays, with no work at any other time including Saturdays, Sundays and Bank (or Public) Holidays.

Reason: In the interests of public amenity and highway safety.

7. All vehicles transporting materials to the site shall be securely sheeted or otherwise enclosed in such a manner that no materials will be spilled on the public highway.

Reason: In the interests of highway safety.

8. A record of the number of HGV movements per day shall be kept and made available for inspection by the County Planning Authority throughout the duration of this permission.

Reason: In the interests of amenity and highway safety.

9. All HGV's visiting/arriving the site shall do so from the A63 to the north, turning south onto Rawfield Lane and then left into the site via the proposed temporary access off Rawfield Lane. All HGV vehicles exiting/departing the site shall do so except by turning right onto Rawfield Lane, towards the A63.

Reason: In the interests of highway safety and the general amenity of the area.

10. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuation equipment which shall be regularly maintained for the full period of the permitted operations. Where earthmoving plant is operating in proximity to residential properties, non-audible reverse warning alarm systems shall be deployed.

Reason: In the interests of amenity.

11. The development hereby permitted, shall, at all times, be carried out in accordance with the Construction Environmental Management Plan (CEMP) Rev. D, dated 30 April 2021 by Heatons.

Reason: In the interests of local amenity and highway safety.

12. All materials imported and deposited at the site shall be strictly clean excavated materials and no putrescible, biodegradable or contaminated hazardous materials are to be used as infill materials at the site. All vehicle loads shall be checked on arrival for acceptability and any materials which contain putrescible, biodegradable or contaminated hazardous materials shall not be deposited at the site and shall be removed immediately.

Reason: In the interests of pollution control and groundwater protection.

13. The development must not be brought into use until the access to the site at Rawfield Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E30 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 20 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- That part of the access extending 25metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1:40.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details shown on drawings and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 25metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

14. The following schemes of off-site highway mitigation measures must be completed as indicated below:
- A road marking scheme (Priority Scheme) is required on Rawfield Lane to allow access into Watergarth Quarry. Signs and lining are required,
 - For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which

affect or form part of the scheme have been submitted to and approved in writing by the County Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified scheme must be submitted to and approved in writing by the County Planning Authority prior to the construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to ensure that the design is appropriate in the interests of the safety and convenience of highway users.

15. Prior to the site opening to operational traffic vehicle wheel washing facilities must be installed on the site access road at Rawfield Lane in accordance with details to be submitted to and approved in writing by the County Planning Authority. These facilities must be kept in place in full working order and available for use whilst the site is operational. All vehicles involved in the transport of waste materials or finished products from the site must leave the site through the wheel washing facility so that no mud or waste materials are deposited on the public highway.

Reason: In the interests of highway safety and amenity.

16. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the County Planning Authority. Construction of the development hereby permitted must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of Rawfield Lane access for construction purposes;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;

12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. details of ditches to be piped during the construction phases;
19. a detailed method statement and programme for the building works; and
20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issues.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed in the interests of public safety and amenity.

17. The development hereby permitted, shall, at all times, be carried out in accordance with the ecological mitigation measures set out in the Letter titled Response to Consultation, Ref. MON-002-W-PS001, dated 09 February 2021 prepared by Heatons.

Reason: In the interests of protecting wildlife and their habitats.

18. Notwithstanding the submission of bat roost surveys, prior to the commencement of the infilling operation hereby permitted, an updated bat roost surveys shall be undertaken of the site to establish any changes in bat roost status in the intervening period since its first submission. The surveys shall be undertaken by a competent and appropriately qualified person and a report of the surveys, together with any mitigation proposals required shall be submitted to and agreed in writing by the County Planning Authority. The applicant should be mindful of the seasonal constraints on undertaking such surveys.

Reason: In the interests of protecting wildlife and their habitats.

19. Prior to the commencement of the infilling operation hereby permitted, bat boxes shall be installed in accordance with Section 6.9 of the Watergarth Bat Survey Report, Rev. V4, dated June 2022 by Heatons.

Reason: In the interests of protecting wildlife and their habitats.

20. The development hereby permitted shall be carried out in accordance with the guidance on timing of site clearance and nesting birds contained in Section 7.6 of the Preliminary Ecological Appraisal, Rev. V5, dated June 2022 by Heatons.

Reason: In the interests of protecting wildlife and their habitats.

21. A walkover survey shall be undertaken by an ecologist one month prior to the commencement of the development hereby permitted to check for any evidence of Badger activity or other wildlife constraints and the developer must follow any recommendations made by the ecologist.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed in the interests of protecting wildlife and their habitats.

22. Within six months of the date of this permission, a landscape and ecological management plan (LEMP) for the site detailing how the proposed habitat creation and

management measures will be implemented shall be submitted to, and be approved in writing by the County Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of the habitat creation and management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Thereafter, the approved plan shall be implemented in accordance with the approved details.

Reason: To safeguard the character of the site in the interests of visual amenity of the area and to secure proper restoration of the site.

23. Within six months of the date of this permission, full details of both hard and soft landscape works, including an implementation programme and schedule of maintenance and aftercare, shall be submitted to and approved in writing by the County Planning Authority. All works must be undertaken in accordance with the approved details and shall thereafter be managed and maintained to the required standard. These details shall include:

Hard landscape works:

- (a) existing site features proposed to be retained or restored including trees, hedgerows, walls and fences, artefacts and structures,
- (b) proposed finished levels and/or contours,
- (c) proposed grading and mounding of land showing relationship of surrounding land,
- (d) boundary details and means of enclosure,

Soft landscape works:

- (e) planting plans,
- (f) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (g) schedules of plants noting species, planting sizes and proposed number/densities, means of support and protection.

Thereafter, all hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations.

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

24. All planting, seeding or turfing comprised in the approved details of landscaping scheme shall be carried out in the first available planting and seeding season. Any trees or plants that, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced with others of species, size and number as originally specified in the approved scheme, by the end of the first available planting season thereafter.

Reason: To safeguard the character of the site in the interests of visual amenity and to ensure the provision and establishment of acceptable landscaping.

25. Within six months of the date of this permission, a detailed restoration scheme and programme shall be submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include, details of the following:
- a) timing, phasing and method of replacement of top and subsoils;
 - b) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;
 - c) the machinery to be used in soil re-spreading operations;
 - d) the final levels of the restored land;
 - e) drainage of the restored land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage;
 - f) details of suitable low-nutrient material for the final surfacing with a DEFRA Phosphorous Index of 0 or 1;
 - g) seeding of restored areas with a suitable herbage mixture of local seed; and
 - h) a timetable for implementation.

Thereafter restoration of the site shall be carried out in accordance with the approved scheme and programme and completed by no later than 18 months after the date of commencement of the development as defined by Condition No. 3 above.

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

26. Within six months of the date of this permission a detailed scheme and programme for the aftercare of the site for a period of 5 years to promote the agricultural afteruse of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:
- a) Maintenance and management of the restored site to promote its agricultural use.
 - b) Weed control where necessary.
 - c) Measure to relieve compaction or improve drainage.
 - d) Maintenance and replacement of trees and shrubs, weed control and re-staking.

Reason: To ensure that those parts of the site that have been restored are subject to a programme of aftercare that has been approved by the County Planning Authority.

27. Within 12 months of the date of this permission an annual meeting shall be held between the developer and the County Planning Authority to review schemes of working, restoration, landscaping and aftercare issues. This meeting shall include all interested parties and technical advisers as required.

Reason: To secure a good standard of progressive restoration in the interests of amenity and protecting the character of the area.

28. Prior to commencement of the infilling operation hereby permitted, tree protection measures must be put in place and maintained throughout the duration of the works, as set out in the Arboricultural Method Statement, Ref. AWA3946, dated June 2022 by AWA Tree Consultants. (This shall include the additional 2m stand-off and buffer during the initial development phase followed by a site meeting with the County Planning Authority to agree final fill levels, as outlined in Chapter 4.2 of the Arboricultural Method Statement).

Reason: In the interests of visual amenity and protecting the character of the area.

29. No external lighting shall be erected on site.

Reason: To control the impact of light and light pollution by the development in the interests of local amenity and to protect wildlife and their habitats.

30. Any contamination associated with the historic landfill must not be mobilised as a result of the proposed works.

Reason: In the interests of amenity and pollution control.

31. A copy of the planning permission and any schemes or details approved, together with all the approved plans, shall be kept available at the site office at all times.

Reason: To ensure that site personnel are aware of the terms of the planning permission.

32. On completion of the development hereby permitted, all machinery and equipment, any hard standings and structures and temporary access off Rawfield Lane shall be removed from the site which shall be restored to approved restoration scheme.

Reason: In the interests of amenity and highway safety.

Informatives:

1. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site: [https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification for housing and industrial roads street works 2nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20and%20industrial%20roads%20street%20works%202nd%20edi.pdf)
The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to Condition No. 13.
2. Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence. The Highway Authority can provide a design service to undertake these works.
3. The Applicant attention is drawn to the existence of the Traffic Order Regulation (TRO) operating on Rawfield Lane and to liaise with the Local Highway Authority should the TRO needs to be revised.
4. Any hedgerow or tree removal is required to be undertaken outside the bird breeding season (March to August inclusive) in order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended).
5. Badgers are protected under the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981. A licence from Natural England will be required if a sett is identified within the application site.
6. The Applicant is advised to work with Yorkshire Wildlife Trust to facilitate the provision of seed from a local donor site.

7. The Applicant is advised that it will be the responsibility of the Qualified Person appointed under this scheme to infill the site under CL:AIRE 'Definition of Waste: Code of Practice' to ensure that all necessary documents are present and that the risk assessment conclusions align with specification, before making the declaration. They have to be satisfied that materials will be suitable for the proposed use on the site and that by interference pollution/harm will not be caused.
8. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Statement of Compliance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

K BATTERSBY

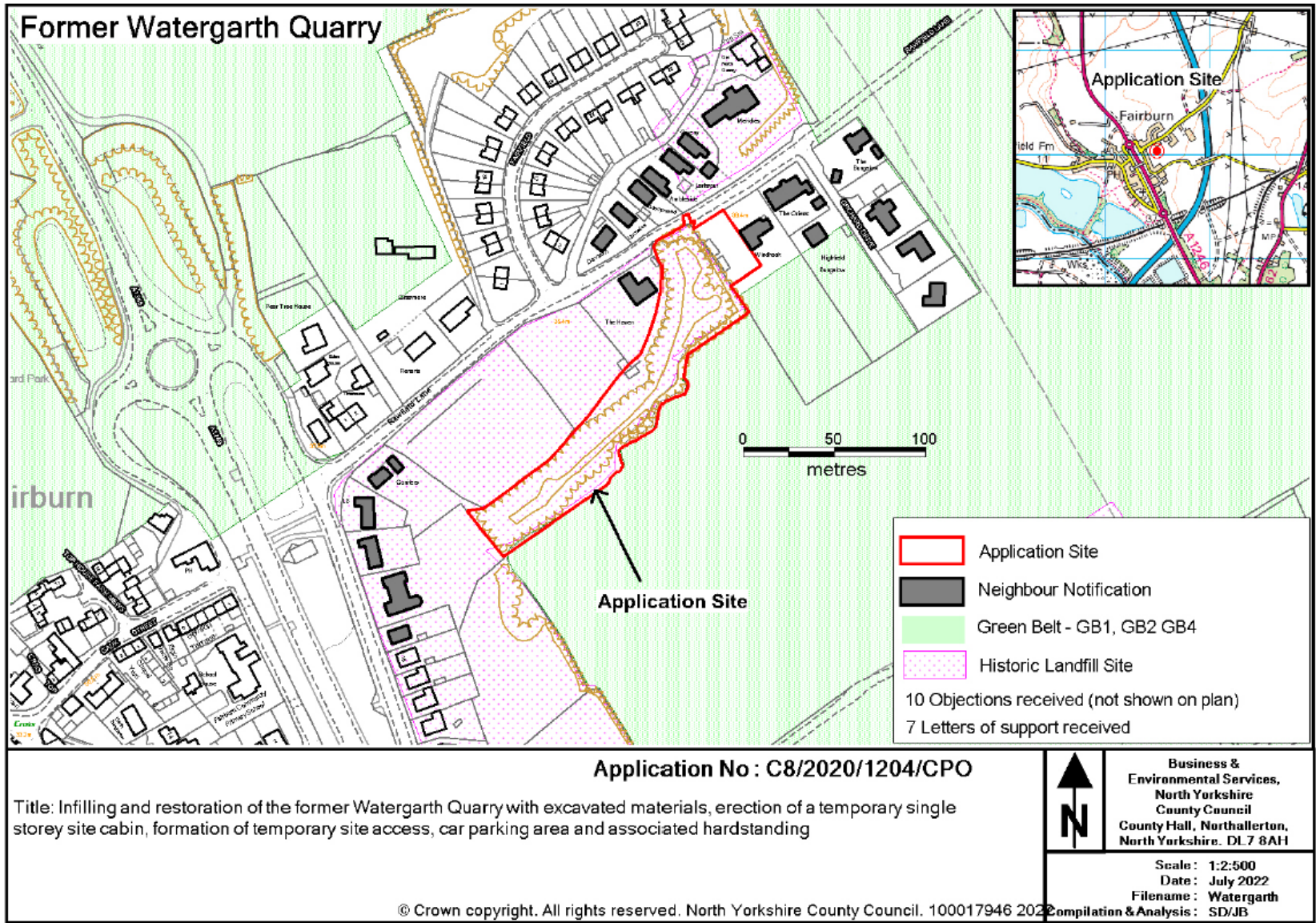
Corporate Director, Business and Environmental Services
Growth, Planning and Trading Standards

Background Documents to this Report:

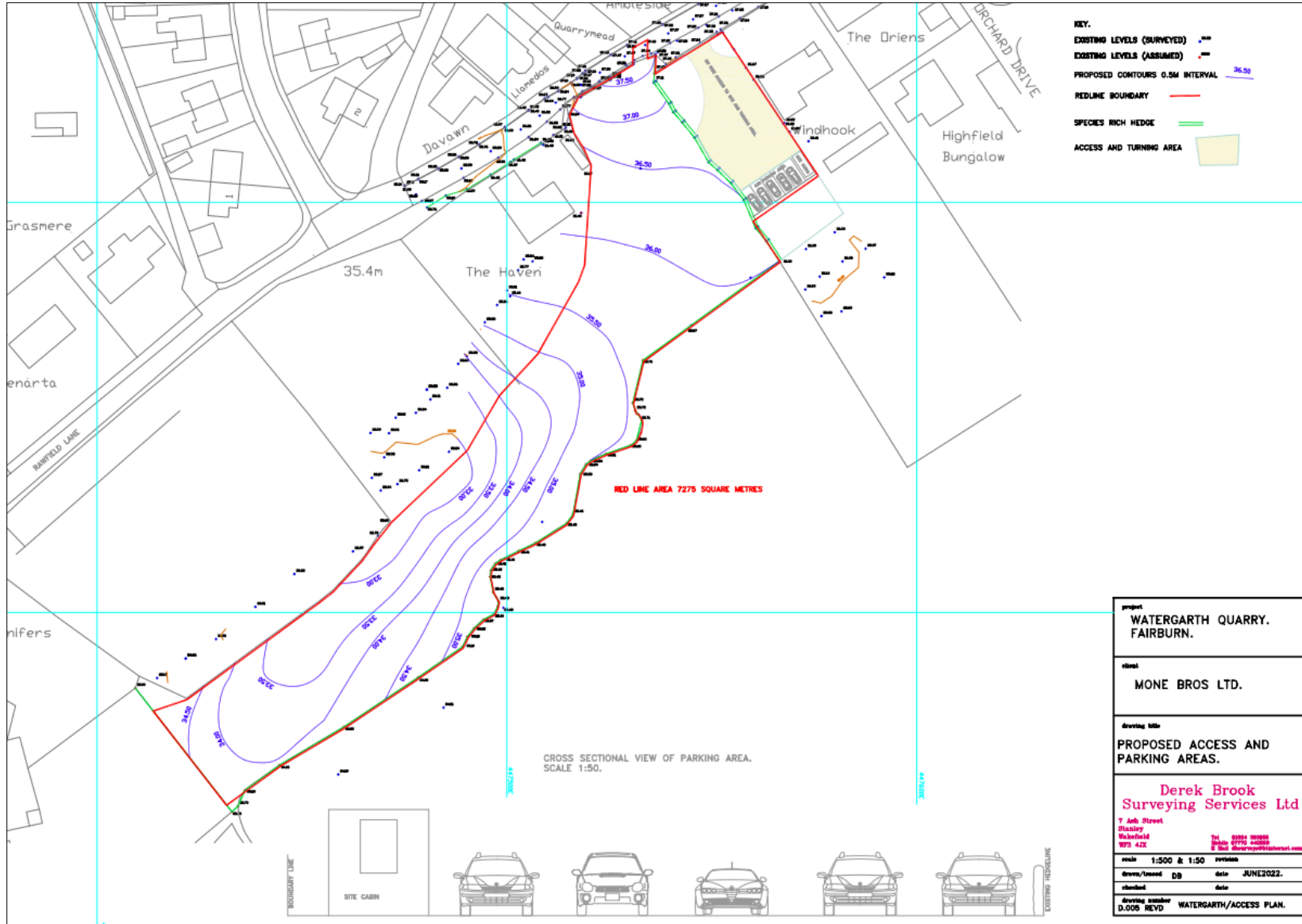
1. Planning Application Ref Number: C8/2020/1204/CPO (NY/2020/0162/FUL) registered as valid on 29 October 2020. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Sukaina Devraj

PLAN 1 – Committee Plan



PLAN 2 – Proposed Access and Parking Areas



project	WATERGARTH QUARRY. FAIRBURN.	
client	MONE BROS LTD.	
drawing title	PROPOSED ACCESS AND PARKING AREAS.	
<p>Derek Brook Surveying Services Ltd 7 Ash Street Stanley Waterfield WF9 4JZ</p> <p>Tel: 01204 20994 Mobile: 0772 242288 E Mail: derek@brooks-surveying.com</p>		
scale	1:500 & 1:50	revision
drawn/checked	DB	date
checked		date
drawing number	WATERGARTH/ACCESS PLAN.	
D.005	REV D	

PLAN 3 – Landscaping Plan



Outline Landscaping Scheme

Restoration via the placement of CL AIRE materials and soils, together with subsequent seeding and planting works, will enable the site to become assimilated into its local topographic and landscape context, providing an enhanced landscape setting with increased opportunities for biodiversity and long term landscape quality.

Retained boundary tree planting / vegetation, which is to be protected throughout the duration of the proposed development, is to be supplemented by the planting of ~690m² of new native trees and shrubs, along with the "gapping up" of the existing north eastern site hedgerow boundary where access is required to facilitate the proposed development, including the addition of further native hedgerow trees. The remainder of the site will be seeded to establish a Wildflower Meadow.

The restoration scheme integrates retained upper quarry faces of up to 1m (vertical height) where required, to ensure suitable protection of existing mature vegetation to the boundaries of the quarry void.

All new planting to be subject to an aftercare management plan to ensure successful establishment and to counter any losses within the period.

LEGEND

- Site Boundary
- Existing Vegetation - including trees/vegetation to be retained & protected within the site
- Proposed New Native Tree & Shrub Planting
- Proposed Wildflower Meadow Grassland
- Surrounding Roads & Buildings
- Cross Section Locations (see Drawing No. MON-002-W.D.008)

- Outline Specification:**
- It is proposed to plant the following trees at 5m centres within the areas marked:
- Hawthorn (*Crataegus Monogyna*) 2 yr old whips (60/80cm) 25%
 - Field Maple (*Acer Campestre*) 2 yr old whips (60/80cm) 15%
 - Wild Cherry (*Prunus Avium*) 2 yr old whips (60/80cm) 15%
 - Pedunculate Oak (*Quercus Robur*) 2 yr old whips (60/80cm) 15%
 - Dogwood (*Cornus Sanguinea*) 2 yr old whips (60/80cm) 15%
 - Spindle (*Euonymus europaeus*) 2 yr old whips (60/80cm) 15%
- A wildflower grass seed mix will be sown on the restored site at a rate of 3g/m².

MONE BROS.
EST. 1965

Heatons
Planning Environment Design

PROJECT
Watergarth Quarry

DRAWING TITLE
Landscaping Plan

DATE
May 2022

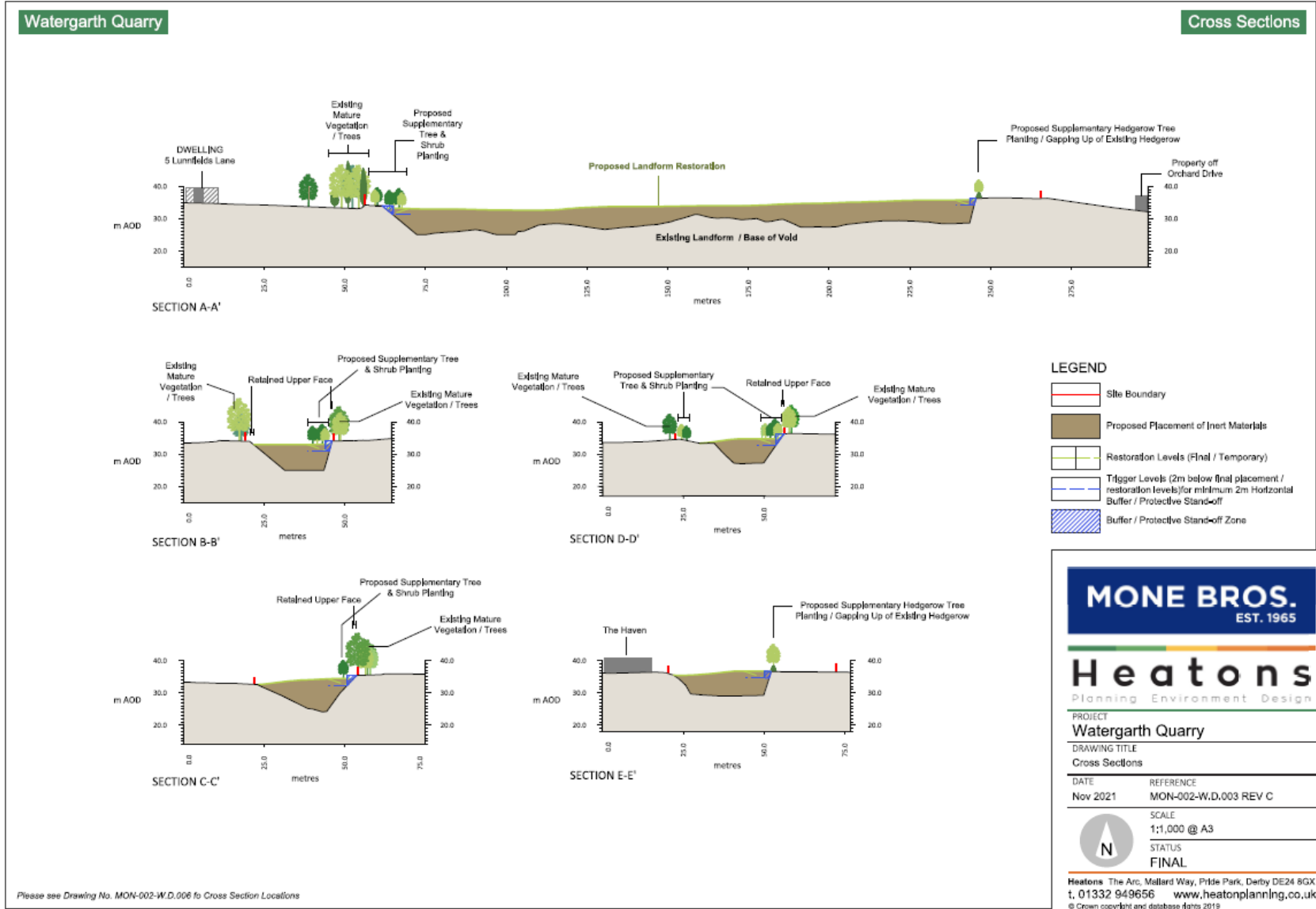
REFERENCE
MON-002-W.D.004 Rev D

SCALE
1:1,250 @ A3

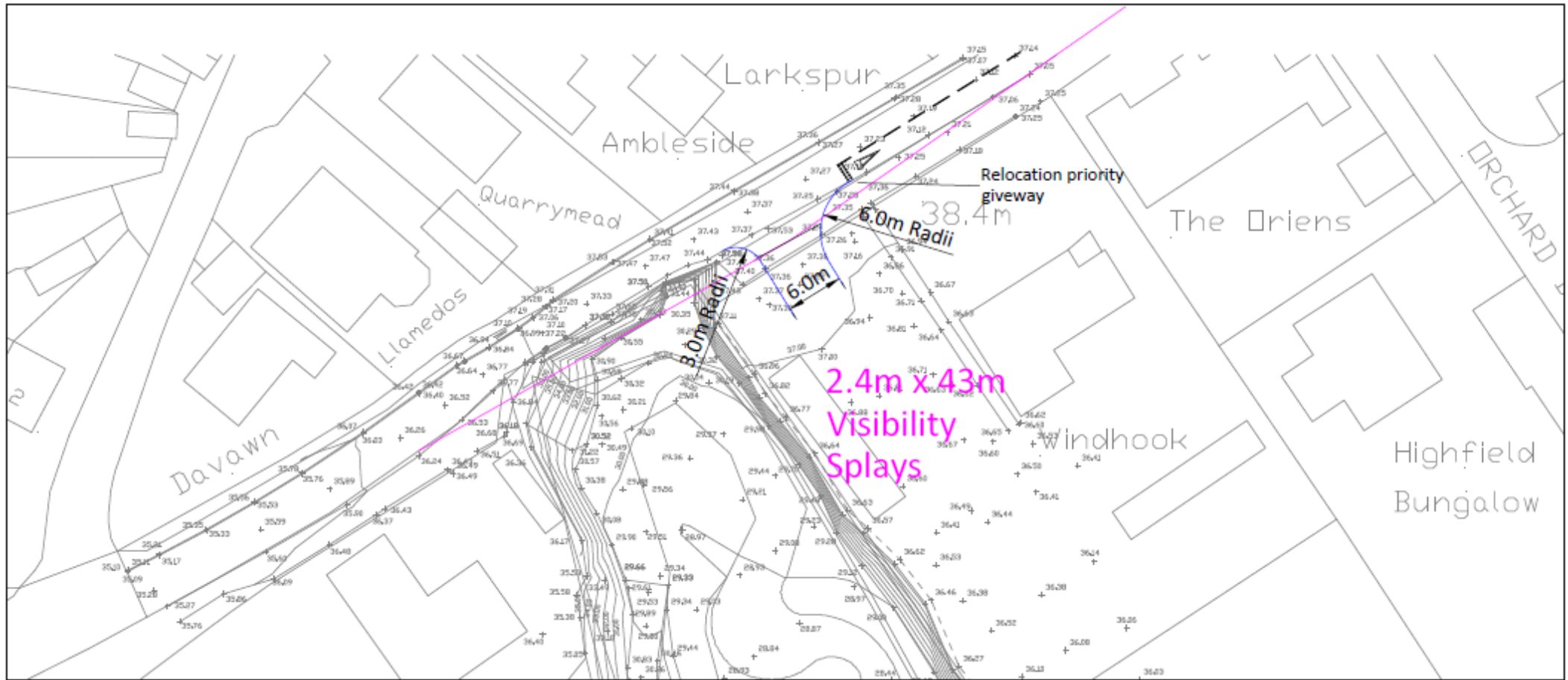
STATUS
FINAL

Heatons The Arc, Mallard Way, Pride Park, Derby DE24 8GX
t. 0115 937 5552 www.heatonplanning.co.uk
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PLAN 4 – Cross Sections



Plan 5 – Site Access



Extract of Drawing Title: Site Access, Ref. 001 Rev. A, dated 20/05/20 showing visibility splays and priority giveway

APPENDIX A – National Planning Policy Framework (NPPF) (2021), National Planning Policy for Waste (NPPW) and National Planning Practice Guidance (NPPG)

NPPF (2021) references:

Paragraph 11

For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-to-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Paragraph 48

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

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Paragraph 55

Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 56

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 110

Specific applications for development, it should be ensured that:

- b) *safe and suitable access to the site can be achieved for all users; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

Paragraph 111

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

Paragraph 130

Planning policies and decisions should ensure that developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective planning;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 174

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

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

Paragraph 180

When determining planning applications, local planning authorities should apply the following principles:

- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

Paragraph 183

Planning policies and decisions should ensure that:

- a) *a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);...*

Paragraph 185

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

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

Paragraph 188

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regime). Planning decisions should assume that these regimes will operate effectively....

Paragraph 211

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

- e) *provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstance;..*

NPPW references:

Paragraph 1 of National Planning Policy for Waste (NPPW) sets out how planning system plays a key role in the delivery of the Government's sustainable resource use and management ambitions. The aim is to achieve sustainable development and resource efficiency including delivery of modern infrastructure, local employment opportunities, climate change benefits and moving waste management up the waste hierarchy. It further requires waste management to be considered alongside other spatial planning concerns i.e. housing and transport and identifying positive contribution that waste management can make to the development of sustainable communities. It emphasizes that ambitions are achieved through *'helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment'*. Furthermore, it advises that this document provides a framework to assist waste to be disposed of or recovered *'in line with the proximity principle'*.

NPPW paragraph 7 provides guidance to Local Planning Authorities on determining planning applications and confirms that the likely environmental and amenity impacts are to be considered against the criteria set out in Appendix B when determining waste planning applications, together with the locational implications of any advice on health from relevant health bodies. It also requires to ensure that the waste management facilities are well-designed, hence contribute positively to the character and quality of the area in which they are located. Furthermore, it states waste planning authorities should *'concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.'*

Appendix B of NPPW contains criteria in relation to the assessment of sites and areas for waste proposals, and notes that in addition to the type and scale of any waste management facility, the following factors should be considered in assessing the suitability of a proposed site:

- a. *'protection of water quality and resources and flood risk management;*
- b. *land instability;*
- c. *landscape and visual impacts;*
- d. *nature conservation;*
- e. *conserving the historic environment;*
- f. *traffic and access;*
- g. *air emissions, including dust;*
- h. *odours;*
- i. *vermin and birds;*
- j. *noise, light and vibration;*
- k. *litter;*
- l. *potential land use conflict.'*

NPPG references:**Air Quality**

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

Natural Environment

The PPG underpins one of the NPPF core principles of protecting the character and visual integrity of the natural environment including designated landscapes and the wider countryside in general. Where appropriate, the PPG promotes the undertaking of landscape assessments to accompany planning applications to provide an understanding of the character and local distinctiveness of the landscape by identifying the features that give it a sense of place.

It also explains key issues in implementing policy to protect biodiversity, including local requirements. It reiterates that *'the National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions.'* It also considers the impacts and the opportunities that development proposals may have on biodiversity and their effect and/or beneficial contribution to wildlife and wildlife habitat in the immediate and wider area. Information on biodiversity impacts and

opportunities should inform all stages of development (including, for instance, site selection and design including any pre-application consultation as well as the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

Noise

This states how noise needs to be considered when new developments may create additional noise or would be sensitive to the prevailing acoustic environment. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider: *'whether or not a significant adverse effect is occurring or likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved.'*

In addition, it offers guidance on identifying *'whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.'* It sets out the observed effect levels as being:

'Significant observed effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.

Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.

No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.'

The Noise PPG guidance states development that are likely to generate noise, there are four categories of mitigation which can be put in place to reduce impact, these are: engineering by reducing the generation of noise at the source; layout optimising the distance between the source and noise sensitive receptor; using planning conditions/obligations to restrict activities or specify specific levels; and finally mitigating the impact on areas likely to be affected. A further part of the Noise PPG is in regards to the effect of noise on wildlife, in particular stating consideration needs to be given to the potential effects of noisy development on international, national and locally designated sites of importance for biodiversity.

Waste

With regards to the Waste Hierarchy the guidance states that all planning authorities should look to drive waste management up the waste hierarchy to an extent appropriate to their responsibility.

The guidance includes advice on the relationship between planning and other regulatory regimes. On this matter it states planning should focus on the impact on the local environment and amenity taking into consideration the criteria set out in Appendix B to National Planning Policy for Waste. Other issues are controlled by other regimes which it should be assumed operate effectively. The planning focus should be on land use, rather than any control of processes, health and safety or the emissions themselves, which are subject to approval through the other regimes.

The guidance states the Environment Agency will regulate through the environmental permit to provide an adequate level of protection and limit the release of substances into the environment, ensuring also that the air and water quality meet the required standard to guard against environmental and human health impacts.

END