

North Yorkshire Council
Community Development Services
Strategic Planning Committee

13 JUNE 2023

**C3/22/01196/CPO - VARIATION OF CONDITION NO. 2 OF PLANNING PERMISSION
REF. C3/07/00515/CPO FOR AN EXTENSION OF TIME TO ALLOW THE REMAINING
LIMESTONE RESERVES AT THE QUARRY TO BE EXTRACTED AND THE SITE TO BE
FULLY RESTORED NEWBRIDGE QUARRY, YATTS ROAD, PICKERING, NORTH
YORKSHIRE, YO18 8JL
ON BEHALF OF BREEDON TRADING LTD**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

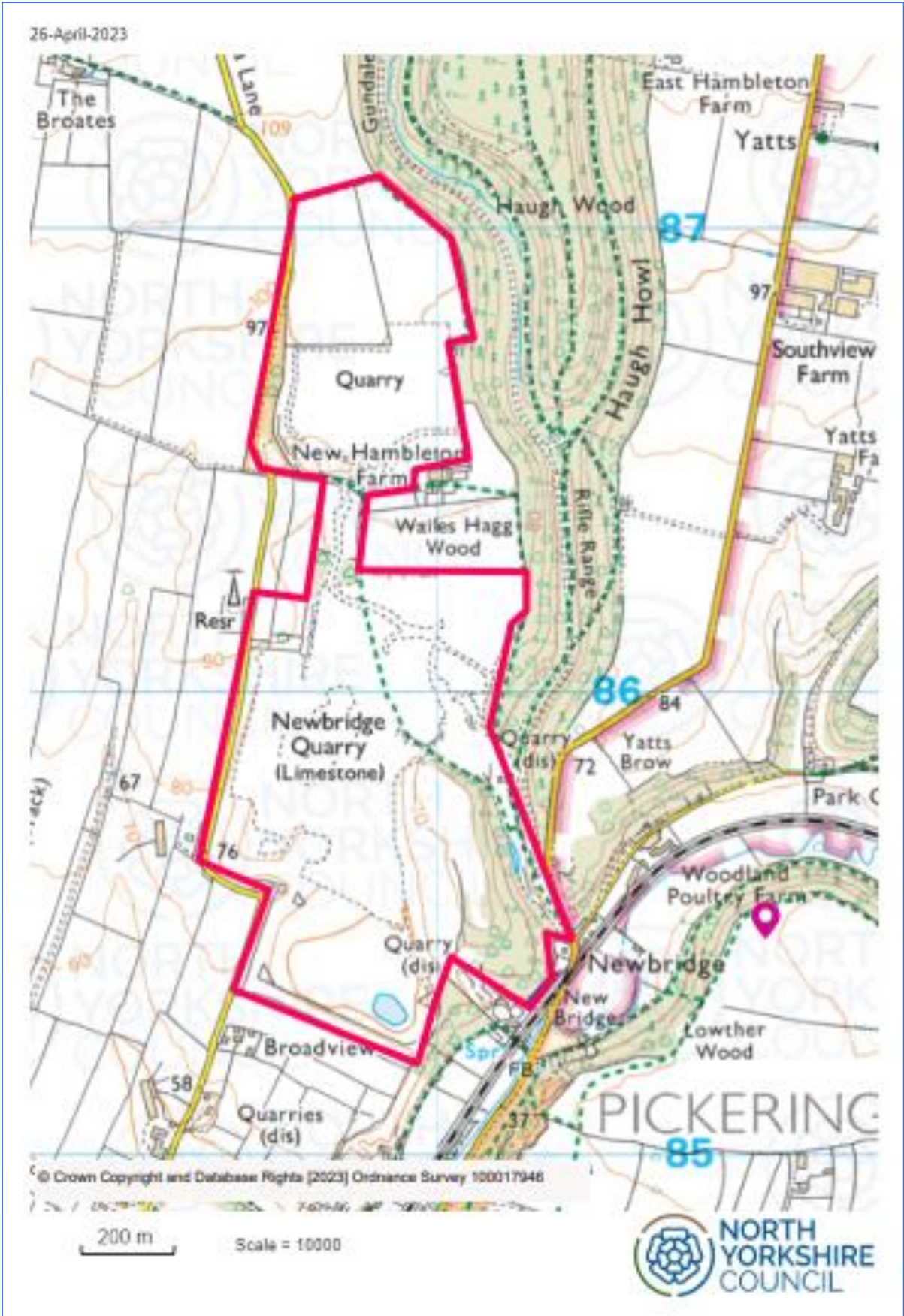
- 1.1 To determine a planning application for variation of condition No. 2 of Planning Permission Ref. C3/07/00515/CPO for an extension of time to allow the remaining limestone reserves at the quarry to be extracted and the site to be fully restored on land at Newbridge Quarry, Yatts Road, Pickering, North Yorkshire, YO18 8JL
- 1.2 This application is accompanied by an Environmental Statement and is recommended to be approved. It is, therefore, reported to this Committee for determination.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions.

- 2.1. The application seeks permission for an extension of time until 31 December 2026 to allow for the extraction of the remaining 500,000 tonnes of Jurassic limestone reserves and the site's restoration to a previously approved scheme.
- 2.2 Dating back to 1946 the quarry has undergone a number of spatial extensions and permissions since that time. Currently, the quarry site covers an overall area of 80 hectares.
- 2.3 The Minerals and Waste Joint Plan (adopted in February 2022) acknowledges that mineral extraction can only take place where suitable resources occur and also the contribution this site makes to the overall supply of aggregate to the market. Also acknowledged in the Plan is the support for the continuation of working at sites where existing time-limited permissions are due to expire, but where reserves still exist. The continuation of operations for a further 4 years would in addition ensure ongoing local economic benefits and retain 14 jobs as well as additional employment provided through contractors and the wider supply chain; a factor supported through adopted Ryedale Local Plan Strategy (adopted September 2013).

- 2.4. There are no objections from statutory consultees and general compliance, overall, with the *Development Plan* for the area, when taken as a whole. The proposal is considered to be sustainable, and approval is recommended subject to conditions to suitably mitigate any effects.



3.0 Preliminary Matters

3.1. There are a number of relevant planning applications for this application which are detailed below. As well as the details listed below a scoping report was also provided by the applicant in relation to this application dated May 2021 and a Scoping opinion was issued by North Yorkshire Council on the 9th July 2021 reference 21/00878/CPO.

- GIDO/5/2/23 – Extraction granted 4th December 1946;
- 5/2/23E – Extension to limestone quarrying area granted 3rd February 1954;
- 5/2/23G – Extension of quarrying into OS fields 1314, 1315, 1500 and 1501 granted 4th August 1959;
- 5/2/23J – Extension of quarrying into fields 1440, 1440a, 1438 and 1439 granted 3rd August 1971;
- C3/102/276/PA – Extraction granted 25th June 1979;
- C3/07/00515/CPO – Northerly extension for the working of limestone granted 23rd October 2009.

3.2. Access to the case file on Public Access can be found here: -
[Displaying Planning record: NY/2022/0220/73 \(northyorks.gov.uk\)](https://publicaccess.northyorks.gov.uk/DisplayingPlanningRecord/NY/2022/0220/73)

4.0 Site and Surroundings

4.1 The site is located 1.7 kilometres to the north of Pickering. It lies immediately to the north-west of the hamlet of Newbridge and is approximately 5 kilometres to the south of the village of Newton-on-Rawcliffe. The site is situated within an Area of High Landscape Value (AHLV) and the boundary of the North York Moors National Park abounds the boundary line of Yatts Road from the site entrance. The current active limestone quarry which includes previously worked areas which have been restored or are in the process of restoration and landscaping lay within a predominately rural area. This area forms agricultural land which is bound by a combination of trees adjacent to farmland to the south, hedgerows and vegetation along Swainsea Lane to the west along with hedgerows and further farmland to the north and towards Gundale Slack / Haugh Wood to the east.

4.2 New Hambleton Farm which is a Grade II listed building is the closest residence 10 metres from the existing site boundary and to the current working area and various farmsteads including: Yatts Brow Farm, East Hambleton Farm (both Grade II listed farmhouses) and South View Farm are located approximately 800m to the east and north-east with The Broates (a Grade II listed building) located a similar distance to the north-west. A small number of individual properties are located close to the site entrance on Yatts Road, such as Glen Villa, Railway and Woodland Cottages (Grade II listed building). Isolated properties are also located along Swainsea Lane to the east of the site, including Broadview and Vale View.

4.3 The quarry site covers an overall area of approximately 80 hectares and the original quarry developed in a valley lying to the north-west of Newton Dale and approximately 3 hectares of the land closest to the access is occupied by site

administrative and ancillary quarrying infrastructure including the weighbridge. Within the site there is an internal haul road which follows a westerly direction to previously restored workings of approximately 50 hectares which includes, retained vegetation and / stockpile areas, including mineral products, overburden, and soils. The restored southern section of Newbridge Quarry includes the Newbridge Quarry Geological SSSI which covers an area of 7.9 hectares and ancient woodland and the Haugh and Gundale Slacks SSSI form part of the eastern boundary of the Site.

- 4.4 An internal quarry haul road connects the area of the administrative and ancillary quarrying infrastructure northwards to the current northern extension working areas, via several further soil storage bunds prior to crossing the private access road to New Hambleton Farm (which also serves as a public right of way) from Swainsea Lane to the west. The current active limestone workings, comprise restored areas, disturbed ground / stockpiles and they extend to approximately 25 hectares, with a further 2 hectares of peripheral landscaping and standoffs.
- 4.5 The site has an established access onto Yatts Road approximately 50m to the north of a railway level crossing at Newbridge, and this railway is part of the North Yorkshire Moor Railway line. Yatts Road is a 'C' class road that runs in a general north to south route linking Pickering with the village of Newton on Rawcliffe. All quarry traffic turns right out of the site towards Pickering. Access to the wider highway network is gained within Pickering to the A170 via Undercliff and Castle Road that link Yatts Road to the town. The A170 leads westwards towards markets to the west via Helmsley and Thirsk, and eastwards towards Scarborough, and, within Pickering itself, the A170 connects with the A169 heading towards markets to the north, including Whitby, and southwards towards Malton.
- 4.6 There are several footpaths that cross or are in the vicinity of the quarry. This includes a route along the quarry access road from the site entrance, past the weighbridge and site office and northwards in two directions with one part rising behind the old processing plant on the alignment of a haul route before cutting across the existing quarry site in a general northerly direction, to link up with the public footpath that runs along the access road to New Hambleton Farm. The other part splits itself in two with one route following the valley bottom and the second following the eastern boundary of the site. This footpath also joins up with the route along the access road to New Hambleton Farm. Footpath 25.73/6 just to the north of New Hambleton Farm is currently the subject of a diversion order to enable the extraction of minerals from the approved working area and so that it now follows between the workings and the edge of Gundale Slack / Haugh Wood.

5.0 Description of Proposal

- 5.1 This planning application seeks permission for the variation of condition no. 2 of planning permission ref. no. C3/07/00515/CPO, dated 23rd October 2009 for an extension of time to allow the remaining limestone reserves at the quarry to be extracted and the site to be fully restored.

- 5.2 The applicant states that there are approximately 500,000 tonnes of limestone remaining to be extracted; all within the application site area, which includes an extension of the original quarry. The reason the extraction has not been completed is partially due to the recent economic downturn and market conditions and reduction of production during Covid restrictions. The applicant claims that an extension of time would avoid unnecessary sterilisation of the remaining mineral on site.
- 5.3 The limestone is extracted in a series of benches through a combination of drilling and blasting. The maximum depth of extraction is proposed to be 95m AOD which will predominantly occur within the northern part of the quarry although the working depth is dictated by the basal slope of the workable limestone with all blasting continuing as existing and as set out in in conditions 16-19 of permission ref. no. C3/07/00515/CPO, dated 23rd October 2009 (NY/2007/0150/ENV). Once extracted, the limestone is transported by a front-end loader to the mobile crushing plant for crushing and screening to produce a range of graded aggregates. The graded aggregate is stored in stockpiles before being loaded onto HGV's to be transported via the highway network.
- 5.4 The approved restoration scheme for the application site and wider quarry, (under Planning Permission C3/07/00515/CPO, dated 23rd October 2009) provides for predominately low-level agricultural land. Fields are proposed to be divided predominantly by hedgerows with steeper wooded and grassland side slopes. A small area of wet grassland is also proposed that would act as a natural soak away at the lowest parts of the site. Material including topsoil, subsoil, weathered limestone/overburden and quarry waste material generated from continued working the quarry would be re-used within the restoration without recourse to import materials with restoration taking part on a progressive basis.
- 5.5 There are no proposals to alter the site layout or the way in which operations are carried out, and extraction and restoration would continue to progress in accordance with the currently approved schemes for a further 4-year period in the application site where workings have already commenced in the south-western corner with progression made northwards and eastwards.
- 5.6 It is estimated that there are a further 4 years of reserves remaining in the quarry (subject to demand), so the applicant is seeking to vary Condition 2 of Planning Permission Ref C3/07/00515/CPO, dated 23 October 2009 until 31 December 2026
- 5.7 Condition 2 of the planning permission C3/07/00515/CPO, dated 23 October 2009 states: *"The permission hereby granted authorises the extraction of mineral only until 31 December 2022. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the Argus Ecology "Revised Restoration Management Plan" dated 8 June 2009 before that date or within such longer period as may be specifically approved in writing by the County Planning Authority."*

- 5.8 It is proposed to change this to: *“The permission hereby granted authorises the extraction of mineral only until 31 December 2026. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the Argus Ecology “Revised Restoration Management Plan” dated 8 June 2009 before that date or within such longer period as may be specifically approved in writing by the County Planning Authority.”*

6.0 Planning Policy and Guidance

- 6.1. Section 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue.
- 6.2. With a Section 73 application the Planning Authority is required to consider only the question of the conditions subject to which planning permission should be granted. This does not prevent the Planning Authority from looking at the wider considerations affecting the original grant of permission, but the permission itself should be left intact. Section 73 enables the Planning Authority to grant permission subject to conditions differing from those subjects to which the previous permission was granted or to refuse the application, for example, where there has been a change in policy
- 6.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.4. The Adopted Development Plan for this site is:
- The extant policies of the Minerals and Waste Joint Plan (adopted February 2022).
 - The extant policies of the Ryedale Plan- Local Plan Strategy (adopted September 2013).

Guidance - Material Considerations

- 6.5. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.

- 7.2 **Pickering Town Council** – Confirmed no objections in principle to the above application. However, they raised some concerns that another four years of heavy quarry traffic up and down Newbridge Road will lead to further damage to the road.
- 7.3 **County Cllr. Joy Andrews** confirmed no objections to the proposal.
- 7.4 **Environment Agency York-** confirmed no comments regarding the proposal.
- 7.5 **Environmental Health Officer (previously Ryedale)** – at the time of writing this report no comments have been received.
- 7.6 **Health and Safety Executive (Quarries)** – at the time of writing this report no comments have been received
- 7.7 **Highway Authority** -stated the quarry operations do have an impact on the local highway network and the developer needs to continue sweeping and cleaning the highway surrounding the site to maintain safe environment for its vehicles emerging from the site and the travelling public. The Local Highway Authority (L.H.A) recognizes the developer has willingly undertaken their responsibility and L.H.A would expect this to continue. Therefore, are no local highway authority objections to the proposed development.
- 7.8 **Natural England** – confirmed that they have no objection to the proposal. However, they do provide further advice relating to Sites of Scientific Interest, Protected Landscapes and Best and Most Versatile Agricultural Land or Minerals and Waste reclamation Soils, Land Quality and Reclamation
- 7.9 **Archaeology** – confirmed that they have no issues with the proposed extension of time application.
- 7.10 **Ecology** – confirmed they have no specific comments to offer in relation to the proposal.
- 7.11 **Landscape** – confirmed that there is no Landscape objection to the proposal.
- 7.12 **Public Rights of Way-** Confirmed that there is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary and provided further information relating to temporary and permanent changes that affects to the right of way in which the applicant can contact the paths team if applicable.
- 7.13 **Ryedale Area office** - at the time of writing this report no comments have been received.

Local Representations

- 7.14 Two representations have been received in response to the advertisement of the application. Comments received related to concerns regarding the restoration and maintenance of public footpaths, but neither stated an objection to the proposal.

8.0 Environment Statement (EIA)

8.1. The applicant has provided an Environmental Statement with the application and a Scoping Opinion has been adopted ref. no. NY/2021/0135/SCO, dated 09 July 2021. The EIA Regulations 2017 set out descriptions of Schedule 1 developments for which Environmental Impact Assessment (EIA) is mandatory and the proposal falls within this schedule which is why an environmental statement has been required.

8.2 The Environmental Statement uses the existing quarry operations as the baseline to assess the impact of activities. The ES includes chapters relating to the assessments undertaken for various topics and the Applicant has commissioned technical reports from expert consultants to assess the impact of the proposed activities on the locality around the Quarry including cumulative effects and the assessments' conclusions are set out briefly below.

i.) Cultural Heritage (Archaeology) – The Heritage Assessment considered the impact on the setting of designated heritage and areas of high potential that have been identified within the vicinity of the quarry. The proposal remains within the existing quarry and includes areas where archaeological mitigation is already agreed or that has already been undertaken. Archaeological fieldwork has taken place throughout all previous successive phase of the quarry, but mitigation and approved methodologies, previously agreed under planning condition, are recommended to be carried forward as part of the current proposal for an extension of time for the mineral extraction and restoration works

ii.) Landscape and Visual Impact – Since the Landscape and Visual Impact Assessment (LVIA) in 2007 was undertaken, the topography and vegetation of the site has changed, due to the soil stripping and progressive working in the north and restoration of part of the southern area. An additional 13 hectares has been stripped of soils and excavated down. Active face positions are in an east-west alignment and there are areas of top rock removal and storage to the north and an area stripped of soil further to the north. There are also approximately 2 hectares of soil storage mounds (up to 5 metres high) in the south of the site; in addition, there is approximately 2.5 hectares of agricultural land on rising land to the immediate north which has been stripped of soils and overburden during May 2022. This will vary the original topography. The exposed quarry faces of the existing geological SSSI along 350m of the southern boundary is unchanged. The magnitude of landscape change for the completion of mineral extraction has been re-assessed as low and neutral, as follows

- small size or scale of change, as the part-worked northern area would be deepened, but only to the approved limits, whilst the stockpiling areas, site management and access would be 'as existing'. The character of the site would continue as "Industrial Limestone Workings".
- small geographical extent, as the area to be deepened is limited to the current approved site areas (with 'limited' to 'no influence' at the wider scales); and
- short-term duration of the proposed extension of time.

It is viewed that there would be no change to the views or visual amenity following restoration, which would be in accordance with currently approved scheme (e.g., with a combination of hedgerow, tree planting and farmland reinstated at the lower level

iii.) Ecology and Biodiversity – The Preliminary Ecological Appraisal (2022) explains the Phase 1 Habitat Survey followed the standard methodology (JNCC, 2010), and as described in the Guidelines for Preliminary Ecological Assessment (IEEM, 2012). In summary, this comprised walking over the survey area and recording the habitat types and boundary features present and a Protected Species Scoping Survey was carried out in conjunction with the Phase 1 Habitat Survey. Four statutory designated sites have been identified within the 2km search radius. Newbridge Quarry SSSI relates to the geological interest of the exposed quarry faces in the already restored, southern part of the site. These faces are not proposed to be altered by the proposals to complete mineral extraction in the northern part of the site, in accordance with the approved schemes. Much of the current site is bare ground in the active quarry and supports very little vegetation. Woodland and hedgerows are established around the perimeters of the site and there is a moderately diverse woodland ground flora with some typical limestone woodland vegetation, The quarry and adjacent woodland/scrub habitats are of potential value to feeding and commuting bats but, no significant impacts upon roosting bats have been predicted.

iv) Geology and Soils - The site extracts Corallian Limestone, with the base of the quarry workings being the level at which the limestone overlies a brownish orange Sandstone (Middle Calcareous Grit). This ranges from 5.3m below ground level in the northwest corner to 13.1m in the south, reflecting the 2-3° dip of the beds to the south. No changes to the geology or proposed excavation for quarry design are proposed with this application and therefore no significant or unacceptable environmental impacts would result from the proposed extension of time for the working and restoration of the site in terms of soils and geology.

v.) Highways and Traffic – The Transport Assessment concluded that the traffic movements associated with this development should be acceptable in terms of both highway capacity and road safety and not give rise to any significant traffic related environmental effects.

vi) Hydrological and Hydrogeological Impact – the Hydrological and Hydrogeological Impact Assessment identified a small area of the site access and processing area lying within Flood Zones 2 and 3a, but most of the site lies within Flood Zone 1 suggesting that the site has a very low risk of flooding; less than 0.1% each year (or 1 in 1,000 years). The site overlies the Corallian Limestone to an average depth of around 10 metres below ground level. During extraction of the limestone, it is proposed that the site would not be dewatered, therefore the potential impacts of dewatering would not apply. The extension of time of operations is not expected to increase local flood risk and groundwater quality control and trigger levels are proposed to enable monitoring of groundwater quality using the existing mitigation controls

vii) Noise Impact – The Noise Impact Assessment previously recorded background noise levels at three locations around the site: New Hambleton Farm, Vale View and The Broates. Short term surface activities such as soil stripping and soil bund formation/removal were likely to have a much higher impact than activities which would be undertaken below ground level. Due to there being no proposed changes to the established working schemes; hours of operation; and as no new noise sensitive receptors have been introduced since the original permission was granted, the conclusions of the previous noise assessment remain valid.

viii) The Air Quality Assessment which was originally preformed in 2007 primarily considered the potential for dust emissions. Potential dust emission sources from the various operations on site were examined and were considered to be from the transport, handling, and stocking of materials. The main potential source of dust was considered to be from the movement of vehicles on surfaced and unsurfaced roads with a small contribution from handling and stockpiles. The USEPA AP42 emission factors were used to calculate dust emission rates where the results showed that the impact on the local environment with mitigation was minimal and there would be little change over existing levels given that the proposed activities were effectively a replacement of existing operations and existing management plans and planning conditions have been in force and had not led to any complaints over the last 5 years.

ix) Human beings and Socio-economic Impacts - The key aspects of the proposals with regard to local socio-economic effects include employment for up to 14 people on site plus additional “downstream jobs” in transport and contracting. There would be benefits to local industry and service suppliers including continuation of supply of Jurassic Limestone in the region, continued positive contribution of the existing operation that impacts local and regional economy together with expenditure of wages within the local economy.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Highways
- Landscape, biodiversity, and restoration
- Amenity issues
- Water management, drainage, and climate change

10.0 ASSESSMENT

Principle of Development

10.1 The application seeks to extend the time permitted for extraction of limestone from Newbridge Quarry to recover the remaining mineral resources until 31 December 2026. The current permission C3/07/00515/CPO expired on the 31 December 2022

and there are still reserves of 500,000 tonnes of limestone present in the application area which equate to a total of 7.5% of Jurassic Limestone identified in the Local Aggregate Assessment for North Yorkshire sub-region (LAA) 5th edition October 2019. There are a number of reasons which have affected the rate of the extraction resulting in the development having not been completed to date. These include economic downturn and market conditions as well as restrictions during the pandemic.

- 10.2 Aggregates can only be worked where they naturally occur, and they represent a finite resource. Therefore, where they are permitted, it is in the interests of sustainability to manage the reserves and hence avoid the need for permitting new reserves. In this respect, there is also a balance to be reached between the environmental benefits of restoring a site quickly and the provision of an adequate supply of aggregates. In this case, there are no material planning objections to the proposed extension of time at the quarry and, furthermore, it is considered that any adverse impacts from the quarry operation can be adequately controlled as before, by appropriate conditions.
- 10.3 The principle of development is supported by the Minerals and Waste Joint Plan (MWJP) where sites are not listed in the MWJP but are existing quarries and development would not compromise overall delivery of the strategy for the sustainable supply and use of minerals. Particular policies in the MWJP which are relevant are: Policy M01 as the site abuts the National Park and AONB boundaries at the site entrance; Policy M05 as this policy deals with the requirement for crushed rock up to 2031; Policy M06 which deals with maintaining the landbanks for crushed rock and Policy M09 which lists Newbridge Quarry to help maintain the supply of crushed rock as an unallocated site in the MWJP. Policy M09 of the MWJP acknowledges that “a small volume of further reserves of Jurassic Limestone (estimated at 1.8mt) could be needed to maintain a 10-year landbank on 31 December 2030.” Avoiding early sterilisation of material would support the proposal to extend the operation time at the quarry and would receive support from policy M09 of the MWJP. The extraction of minerals is supported by paragraphs 209, 2011 and 213 of the NPPF 2021 which deal with the supply and benefits of minerals.
- 10.4.1 In terms of the principle of extending the time of development for this proposal, full weight can be given to the terms of Policies M05 and M06 in the MWJP. It is also in compliance with Policy SP19 and Policy SP20 of the Ryedale Local Plan Strategy due to the promotion of sustainable growth and being an acceptable use. Furthermore, the proposal is considered in compliance with MWJP Policy D01 in regard to sustainable development as it accords with the relevant policies of the development plan and does not have a negative effect on the economic, social, or environmental conditions of the area. As the proposal is considered to accord with the Development Plan, it is also consistent with the NPPF Paragraph 211 because of the benefits of the application.

Highways

- 10.5 The proposal does not seek to increase vehicle movements to and from the site; although it is worth noting that the site currently is has no condition controlling the numbers they can accept and release per day. This is instead controlled through an Environmental Agency permit to control highway movement numbers to and from the site and through the town of Pickering which in terms limits the throughput of the site and amount of material allowed to be exported which is a separate regime. The Highway Authority has no objection to the proposal but would wish to ensure that previous conditions apply to this application (proposed condition numbers 4 through 10) as it is an extension of time, and the Highway Authority would wish to ensure that the existing access is kept in a safe and well-maintained condition.
- 10.6 The planning policies that are most relevant include Policy D03 of the MWJP which deals with the transport of minerals and associated traffic impacts. This states that there should be capacity on the existing network for the level of traffic from the site, there should be no unacceptable impact on the local community or other road users and that access arrangements are appropriate. Paragraphs 104 to 106 and Paragraph 111 of the NPPF take the stance that development should only be prevented on transport grounds if the development would have an unacceptable impact on the highway network or the residual cumulative impacts of the development would be severe; a stance shared by Policy SP1 of the Ryedale Local Plan Strategy.
- 10.7 The number of vehicle movements is proposed to remain the same as the current number. It is considered that the highway network has sufficient capacity for the number of HGVs and there have been no complaints or issues relating to vehicles from the site using the highway. The Town Council did make comment regarding the road conditions along Yatts Road, but as this is a public highway and outside of the Quarry's control and is utilised by more than just quarry traffic, the Highway Authority again has no objection to the proposal. The proposal accords with local and national policy and so is acceptable in relation transport as there is capacity on the highway network for the number of HGVs and the impact on amenity and other road users would be minimal.

Landscape, Biodiversity and Restoration

- 10.8 The site is located in a rural setting surrounded largely by agricultural land. The site is well screened due to the surrounding topography and established planting at the perimeter of the site.
- 10.9 To the south-east of the site the boundary of the North Yorkshire Moors National Park (NYMNP) is close to the entrance of the quarry. Schedule 4 of the Town and Country Planning Act 2015 references as part a) Development likely to affect land in the national park that consultation with the national park should occur. However, as Newbridge Quarry does not fall within any parts of the NYMNP, and the original permission (C3/07/00515/CPO) was never consulted with NYMNP. Addition to this as the proposal is not amending any boundary lines or proposing any changes other than an extension of time, and the northerly part of the development is that of a greater distance away from the parks boundary (in excess of 500m) and the

application is not proposing any additional lighting which would affect the NYMNP Dark Night Sky's policy and traffic movement should continue to not enter the park; it was therefore deemed reasonable to not consult with NYMNP as it was viewed that there would not be any increase of significance of impact to the National Park.

- 10.10 Natural England in their consultation response dated 14 November 2022 notes that the site is linked to three Sites of Special Scientific Interest (SSSI); Newbridge Quarry SSSI, Haugh and Gundale Slacks SSSI and Newtondale SSSI which have mixed Interests. However, the site only falls partially within these SSSI's primarily to the eastern boundary and the face which is reference in the Newbridge SSSI features is fenced off from quarry operations. Natural England have noted that the proposed development would not damage or destroy the interest features for which these sites have been notified and has stated no objection to the proposal. Any potential impact on the SSSI sites is viewed as being low risk and the benefits of extending the duration the quarry may operate in the area clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest which accord with the principles of paragraph 180 of the NPPF.
- 10.11 The approved restoration scheme seeks to provide agricultural land and landscape and nature conservation benefits in the long term through the provision of a number of habitats, including conservation, limestone grassland, which is a nationally rare resource promoted within the Ryedale Biodiversity Action Plan. Restoration at the site is undertaken on a progressive basis as extraction advances across the site. No changes to the approved restoration scheme are proposed. Clarification has been provided in relation to the level of restoration which has already been undertaken and the phasing and timing of the remaining restoration of the whole site. In response to the original permission and the previous application, the Landscape Architect was satisfied with the information provided and had no objection to the restoration scheme submitted in relation to permission C3/07/00515/CPO, dated 23 October 2009. No objection has been received from the Landscape Architect in respect of this current application as it was noted that no changes are proposed from the previously approved restoration scheme that received support.
- 10.12 Policy D06 in the MWJP states that development should not adversely impact on the landscape, and if it does a high standard of design and mitigation needs to be employed to ensure the landscape is not adversely affected in the long term. Policy D10 deals with reclamation and aftercare of mineral and waste sites ensuring they are carried out to a high standard and, in terms of minerals extraction, deliver a more targeted approach to restoration that is relevant to the scale, nature and location of sites. The approved restoration scheme for the Newbridge Quarry although predominantly is to be restored for agricultural land use, would still include a range of nature conservation land uses consisting of woodland thicket, hedgerows and scrub and conservation grassland. The proposal is partially supported by Policy SP13 of the Ryedale Local Plan Strategy which highlights that development proposals should contribute to the protection or enhancement of distinctive elements of landscape character which have heritage, cultural, natural, or aesthetic qualities. However, the proposal is not in full compliance with Policy SP13 as it is situated within the fringe of

the North Yorkshire Moors National Park and within an area of high landscape value and would continue to have a significant impact of the area. However, the impact is not proposed to be increased by the proposal of extending the period of time of the quarry and the benefits of the proposal outweigh any adverse impact and the proposal which due to the mineral locality cannot be located elsewhere in a less damaging location in which paragraph 209 of the NPPF and policies M09 and M15 of the MWJP which acknowledge that mineral can only be extracted from areas where it is located. Screening is in place on the site to minimise the impact on the landscape and the restoration scheme seeks to provide enhancement to the landscape in the long term by the creation of different habitats through inclusion of hedgerows. Paragraph 174 of the NPPF highlights that planning applications should conserve and enhance biodiversity and landscape and should improve conditions such as air and water quality. Furthermore, as the site is outside the National Park and the continuation of operations is demonstrated as being in the public interest relating to local economy and regional need for mineral, the proposal is supported through [paragraph 177 of the NPPF. The restoration scheme is designed to improve the landscape and habitats on the site in the long term. Paragraph 210 of the NPPF states that planning authorities should provide for restoration and aftercare. A restoration scheme was approved in a previous permission C3/07/00515/CPO dated 23 October 2009. This scheme has not been amended, although further information in relation to phasing and timing has been provided. The landscaping is considered to be acceptable in terms of both local and national policy. Substantial weight should be applied in terms of landscape policy as, whilst there would be some impact on the landscape in the short term until extraction and restoration is complete, screening is in place to minimise the visual impact of the site on the landscape and over all the proposal meets the principles of policy SP13 through protecting existing landscapes and ensuring that restoration will be undertaken to reinstate, reinforce and improve landscape character to the site upon completion of mineral extraction.

Amenity

- 10.13 The amenity issues relevant in respect of this proposal are visual impact, noise, vibration due to blasting and dust. No complaints have been received since the grant of the previous planning permission in 2009 and the effects upon amenity could continue to be controlled by planning conditions (proposed planning conditions 11 through 19). In terms of visual impact, the site is well screened and the only place where the site can be seen is from the highway at Yatts Lane at the site entrance where passing vehicles can see into the site entrance with its office and weighbridge, so the visual impact is considered to be minimal.
- 10.14 Noise generated on site would primarily arise from the vehicles and equipment movements. The current permission includes conditions to ensure adequate protection of amenity which also relates to measures to ensure the control of blasting and reduction of vibration levels. The conditions include noise attenuation equipment being employed on vehicles and plant operating in the quarry site (condition 10 of permission C3/07/00515/CPO, dated 23 October 2009), noise levels not exceeding background noise levels more than 10db at any noise sensitive buildings (condition 11 of permission C3/07/00515/CPO, dated 23 October 2009), noise monitoring being

undertaken if requested by the County Planning Authority (condition 13 of permission C3/07/00515/CPO, dated October 2009), temporary noise limit during specific operations such as soil stripping and defining the hours of operation (condition 11 of permission C3/07/00515/CPO, dated 23 October 2009). There are four conditions relating specifically to blasting, including one (condition 16 of permission C3/07/00515/CPO, dated 23 October 2009) which restricts the hours of blasting to between the hours of 09:00 and 16:00 Monday to Friday. In terms of dust, two conditions were included which required the spraying of roadways and stockpiles to minimise the dust emissions from the site (condition 14 of permission C3/07/00515/CPO, dated 23 October 2009) and for HGV vehicles to be securely sheeted when leaving the site (condition 15 of permission C3/07/00515/CPO, dated 23 October 2009), all of which are proposed to be continued through this permission if granted through conditions 4 through 10.

- 10.15 Policy D02 of the MWJP requires that proposals should not have an adverse impact on local amenity including in terms of noise and dust. Paragraph 185 of the NPPF highlights that development needs to be appropriate for its location including any impacts from noise being mitigated or reduced. With unavoidable noise from the site being able to be controlled and mitigated to minimise the impact and the dust being controlled through the dust control scheme, it is considered to be consistent with Paragraph 210 of the NPPF which requires that criteria are set so that operations do not have unacceptable impacts to local environments. Compliance with Policy D02 of the MWJP is also secured through ensuring mitigation measures such as acoustic and screening bunds, screen planting, dust suppression systems and sensitive placement of site lighting proposed to be implemented in order to protect local amenity. The development is considered to be compliant with Policies D02, D06, D07, D10 and D12 of the MWJP in regard to local amenity and cumulative impacts, Ryedale Local Plan Strategy Policy SP16 in regards to design, all of which seek to ensure that the restoration of minerals sites and developments generally, would include landscape requirements to enhance the character and appearance of the site and local area, adding further weight in support of the application.

Water management, drainage, and climate change

- 10.16 Only the site entrance to the southeastern corner lies within Environment Agency designated Flood Zones 2 and 3, the entire northern extension of Newbridge Quarry is not within a flood zone. Due to its locality the applicant submitted a flood risk assessment to ensure the developments compliance with paragraph 167 of the NPPF which requires authorities to ensure that flood risk should not be increased due to development. All water that accumulates in the base of the workings naturally percolates through the fissured limestone and no pumping of water is required. There are no records of the quarry flooding or flooding of adjacent areas due to the elevation of the site. There is no other known flood risk which would impact on the proposed development or require mitigation. Operations at the site are proposed to continue as previously. The Environment Agency has raised no objection. Conditions are proposed to protect the water environment (conditions 20 to 23 of decision CC3/07/00515/CPO, dated 23 October 2009).

- 10.17 MWJP Policy D09 deals with water environment, and it states that no unacceptable impacts from minerals development will be allowed on surface or groundwater. Policy SP17 of the Ryedale Local Plan Strategy also promotes the protection of natural resources including water which is relevant to this site. This policy approach accords with the principles of the NPPF in terms of favouring sustainable development which does not increase environmental risks.
- 10.18 No objections have been received in relation to flood risk and the development does not give rise to any impact upon flood zones or the water table. The surface water which accumulates on site is dealt with on site by being pumped out of the void onto the top of the slopes and then allowed to drain naturally back into the void. The proposal although not fully consistent with local Policy SP17 of the Ryedale Local Plan Strategy due to the proposal not proposing ways of reducing emissions in the locality or demonstrating efficient water design it is considered in many ways to follow the overall reasoning of the policy as the proposal does not increase flood risk and no objections have been received in terms of water management and is, therefore, considered acceptable.
- 10.19 Paragraph 154 of the NPPF states that new development should be planned for to avoid increased vulnerability to a range of impacts from climate change. This proposal is not a new development, but rather it proposes an extension of time in which to continue working the mineral. The activities on site have a low impact in terms of climate change as once the material has been extracted, no further work is done on it, and it is transported to another site for processing. In terms of transport, an increase in HGV numbers is not proposed and with the current infrastructure, HGVs have direct access to the trunk road network, so the level of emissions generated would be kept to a minimum. The proposal, although not fully consistent with Policy SP17 of the Ryedale Local Plan Strategy in terms of air and water quality, is considered to be in line with the general thrust of the policy by ensuring adequate mitigation levels are used for development and the proposal has received no objections in terms of water management or climate change and so is considered acceptable.

The Equality Act 2010

- 10.20 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment, and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.21 Given the substantial scale of the site and the works involved with the development, if approved, the development is considered to create temporary amenity and obstructions to residents within of a nature and duration that is potentially likely to affect older and younger people, people with disabilities or who are pregnant if not factors are not mitigated to protect the local amenity.

- 10.22 Therefore, in order to ensure that the Council fulfils its duty under Section 149 of the Equality Act, it needs to be ensured that if planning permission is granted, the decision notice includes conditions which require the impacts on those residents with the aforementioned protected characteristics to be mitigated as much as possible, taking into consideration their specific requirements and needs.

Existing Conditions

- 10.23 All previously imposed planning conditions (44) and informatives (4) are proposed to remain. An updated condition to reflect the development proposed by this application (Condition 2) would be required and any schemes approved under conditions since the grant of planning permission C3/07/00515/CPO, dated 23 October 2009 would need to be reflected were permission to be forthcoming.

- 10.24 The wording of condition 2 of C3/07/00515/CPO, dated is therefore proposed to be changed as follows:

Condition no.2: *'The permission hereby granted authorises the extraction of mineral only until 31 December 2026. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the Argus Ecology "Revised Restoration Management Plan" dated 8 June 2009 before that date or within such longer period as may be specifically approved in writing by the County Planning Authority.'*

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposal to extend the period of time for operations at Newbridge Quarry would assist in the realisation of the development vision of the Local Aggregate Assessment and the MWJP through policies M05, M06, M09 and M10 through ensuring provision levels and supply of mineral are maintained within the county.
- 11.2 Allowing the continuation of quarrying operations and preventing the sterilisation of over 500,000 tonnes of limestone within North Yorkshire (equating to approximately 7.5% of the total Jurassic Limestone reserves identified in the LAA) would see a number of benefits to the local and regional economy and mineral reserves. The continuation of operations would also accord with both strategic and development management policies for the Mineral and Waste Joint Plan including Policy M01 and Policy M09 to ensure that a sustainable approach is given to mineral supply and demand.
- 11.3 Continuation of existing mitigation measures would ensure that the Local Planning Authority could continue to control and monitor the site and ensure that protection of features including local landscape, flood risk, soils and amenity are continued to be upheld. This mitigation ensures compliance with policies D02, D07 and D12 of the Mineral and Waste Joint Plan.

- 11.4 Where the proposal does not fully comply with policies SP13 and SP17, it is not viewed as being in conflict and does still follow a number of the principles of these policies, whilst it is also noted that any permission to extend operations being granted would allow further time to review and enhance restoration of the site so that compliance with these policies can improve. The benefits of the proposal also outweigh any adverse impact on landscape and air, land and water resource protection within Ryedale and proposals for mineral extraction can only occur in areas where the mineral can be located. Overall, the development is considered to be sustainable and would continue to bring a host of benefits to the Ryedale locality including economic and environmental benefits such as being able to continue to supply the local economy and market with continued provision of local stone for local developments which results in a reduced need to import stone from locations outside of NYC and through the restoration mitigation measures proposed. On balance, it is considered the development is acceptable and approval is recommended subject to conditions listed below.

12.0 **RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below:

Recommended conditions:

Condition 1 Implementation

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

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

Condition 2 Duration

The permission hereby granted authorises the extraction of mineral only until 31 December 2026. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the Argus Ecology "Revised Restoration Management Plan" dated 8 June 2009 before that date or within such longer period as may be specifically approved in writing by the Local Planning Authority. Definition of development.

Reason: To reserve the right of control by the Local Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity and to ensure that the development is carried out in accordance with the application details.

Condition 3 Approved Plans

The development hereby permitted shall be carried out in accordance with the application details dated 19 October 2022 and the additional environmental and supplementary information accompanying the letter from CEMEX UK Operations Limited (reference: KBF/jr/1619/P2) dated 11 March 2009, including the additional surveys identified in paragraph 3.10 in respect of badgers and 3.21 in respect of bats

of the “Additional Environmental and Supplementary information in support of Planning Application” dated March 2009 and amended by the information within the letter from SLR Consulting Ltd (reference: 403/0968/00015) dated 1 May 2009 and the Argus Ecology “Revised Restoration Management Plan” dated 8 June 2009 and the following plans and conditions which at all times shall take precedence

REF	DATE	TITLE
NB 2/1	Feb 2007	Site Location Plan
NB-TE-2	May 2021	Current Situation
Rev. B	14/09/22	Planning Statement
Appendix ES1	May 2021	EIA Scoping Report
Appendix ES2	July 2021	EIA Scoping Opinion
Appendix ES3	May 2022	Preliminary Ecological Appraisal
Appendix ES4	May 2022	Viewpoints
Rev. B	14/09/22	Environmental Statement
Rev. 2	27/09/22	Flood Risk Assessment

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

Condition 4 Access

Access to the site shall be via the existing access onto Yatts Road and no other access shall be used.

Reason: *In the interests of highway safety and amenity and convenience of highway users.*

Condition 5 Maintenance of Access

The access road from the site to the public highway shall be kept clean and maintained in a good standard or repair, free of potholes for the life of the operations.

Reason: *In the interests of highway safety, amenity, and convenience of highway users*

Condition 6 HGV Wheel Washing

All lorries leaving the site shall use the vehicle wheel washing facilities adjacent to the weighbridge. The wheel cleaning facilities shall be regularly cleaned out and maintained in full working order. In the event that vehicles are not suitable for the wheel wash then they shall be checked and cleaned before leaving the site so that no material is deposited on the public highway.

Reason: *In the interests of highway safety, amenity, and convenience of highway users*

Condition 7 Access

No lorries shall be parked in the quarry site entrance by Yatts Road overnight.

Reason: *To minimise disturbance to residential properties in the interests of amenity.*

Condition 8 Hours of Operation

Except for the maintenance of plant and machinery and for the loading and unloading of materials for sale within the existing quarry site as delineated on Drawing No. NB 5/1 and/or except with the prior written approval of the Local Planning Authority, no quarrying or associated operations including transport of mineral from the site shall take place except between the following times: 07.00 – 19.00 Mondays to Fridays and 07.00 – 13.00 hours on Saturdays The loading and unloading of materials for sale within the existing quarry site shall only take place between the following times: 06.00 – 19.00 Mondays to Fridays and 06.00 – 13.00 hours on Saturday No quarrying or associated operations shall take place on Sundays or Bank and Public Holidays.

Reason: *In the interests of amenity.*

Condition 9 Hours of Operation

The duration of stripping and replacement of soils and formation, removal or alteration of screen or soil storage bunds, drilling and secondary breaking up of rock shall not exceed 8 weeks in any period of 12 months and shall only be carried out between the following times: -

08.00 – 18.00 Monday to Friday

08.00 – 13.00 Saturdays

No operations shall take place on Sundays or Bank and Public Holidays.

Reason: *In the interests of amenity.*

Condition 10 Noise (Vehicle Safety)

Machinery, vehicles, and equipment being used by the site operator requiring reversing warning systems shall be fitted with broadband reversing warning systems and shall not use standard reversing beepers. Such machinery, vehicles and equipment shall also be regularly maintained accordance with the manufacturer's instructions and fitted with effective exhaust silencers.

Reason: *To ensure the rights of control of the Local Planning Authority in the interests of amenity.*

Condition 11 Noise levels

Noise from site operations shall not exceed 49 dB LAeq, 1-hr (Free Field) at the residential property at New Hambleton Farm and shall not exceed 45 dB LAeq, 1-hr (Free Field) at any other noise sensitive properties. The only exceptions to this requirement are as follows: i. Whilst soil stripping or baffle construction operations are being undertaken a noise limit of 65 dB LAeq, 1-hr (Free Field) shall apply at the residential property at New Hambleton Farm; ii. Whilst drilling and secondary breaking of oversize stone is being undertaken a noise limit of 55 dB LAeq, 1-hr (Free Field) shall apply at the residential property at New Hambleton Farm.

Reason: *To ensure the rights of control of the Local Planning Authority in the interests of amenity.*

Condition 12 Exceeding Noise Levels

In the event that the noise levels specified in Condition No 10 is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in compliance with the requirements of Condition No 10.

Reason: To ensure the rights of control of the Local Planning Authority in the interests of amenity.

Condition 13 Noise Monitoring

Noise shall be monitored in accordance with the scheme for monitoring dated 19 March 2001 as amended by the revised monitoring locations as shown on Drawing No NB/14/4B dated August 2009 and provide for monitoring to be carried out at the approved locations at six monthly intervals. Between those noise surveys additional monitoring shall be carried out at the written request of the Local Planning Authority. All results shall be available for inspection on request by the Local Planning Authority and the annual summary of results shall be submitted to the Local Planning Authority for consideration not later than May in the following calendar year. In the event that the background noise levels change, or it is demonstrated that higher permitted levels will not cause nuisance to nearby noise sensitive properties the scheme shall be reviewed and implemented thereafter as approved.

Reason: To ensure the rights of control of the Local Planning Authority in the interests of amenity.

Condition 14 Dust control

Steps shall be taken to ensure that the site is operated at all times, and in particular during periods of high winds, to minimise dust emissions.

Reason: To ensure the rights of control of the Local Planning Authority in the interests of amenity.

Condition 15 Dust control in vehicles

All vehicles involved in the transport of mineral from the site shall be securely sheeted in such a manner as no material may be spilled on the public highway.

Reason: To ensure the rights of control of the Local Planning Authority in the interests of amenity.

Condition 16 Blasting operation hours

Except with the prior written approval of the Local Planning Authority no blasting shall be carried out on any part of the site except between the hours of 08.00- and 16.00-hours Monday to Friday inclusive and no blasting shall be carried out at any time on Saturdays, Sundays, Bank and Public Holidays.

Reason: To ensure the rights of control of the Local Planning Authority in the interests of amenity.

Condition 17 Blasting

No secondary blasting shall be carried out without the prior approval in writing of the Local Planning Authority.

Reason: *To ensure the rights of control of the Local Planning Authority in the interests of amenity.*

Condition 18 Blasting vibration levels

Blasting operations shall be designed and executed such that resultant ground vibration levels shall not exceed a peak particle velocity of 10mm/second at any inhabited building.

Reason: *To ensure the rights of control of the Local Planning Authority in the interests of amenity.*

Condition 19 Ground vibration levels

Ground vibration levels from all blasts shall be monitored as per the attached blast monitoring procedure unless otherwise approved in writing by the Local Planning Authority. Monitoring results shall be used to determine the design of future blasts so as to maintain ground vibration levels within the limits referred to in Condition No 17 above.

Reason: *To ensure the rights of control of the Local Planning Authority in the interests of amenity.*

Condition 20 Pollution Control

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

Reason: *In the interests of pollution control.*

Condition 21 Pollution Control

Any lubricant, paint or solvent within the site shall be so stored as to prevent such material from contaminating topsoil, subsoil, soil forming material, or reaching any watercourse.

Reason: *In the interests of pollution control.*

Condition 22 Pollution Control

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

Reason: *In the interests of pollution control.*

Condition 23 Archaeology

No development shall take place within the application area except in accordance with the programme of archaeological working set out in the Written Scheme of Investigation set out in Appendix 6 of the Archaeological Services WYAS reported entitled "Newbridge Quarry Extension, Pickering North Yorkshire - Archaeological Evaluation Volume 2: Appendices" dated February 2009.

Reason: *To ensure that archaeological remains are preserved by record in accordance with advice as set out in Planning Policy Guidance*

Condition 24 Public Rights of Way

The existing Public Right of Way within the proposed extension area shall be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Reason: *To protect the route of the Public Right of Way in the interests of and to protect the general amenity for all prospective users*

Condition 25 Soils

Within 3 months of the formation of any new storage bunds being formed onsite the operator shall submit a plan for approval in writing by the Local Planning Authority showing the location, contours, and volumes of the bunds, and identifying the soil types and units contained therein. Any amendments to the Scheme of Soil Movement shall also be included.

Reason: *In the interests of amenity and to ensure soil resources are correctly handled and safeguarded*

Condition 26 Soil Movement

All soil movement operations shall only be carried out when the full volume of soil involved is in a dry and friable condition. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty. Soil handling and movement shall not be carried out between the months of October to March inclusive unless otherwise agreed in writing by Local Planning Authority.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 27 Soil protection

Plant or vehicle movement shall be confined to clearly defined haul routes agreed in writing by or on behalf of the Local Planning Authority, or to the overburden/infill surface and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 28 Soil protection

Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), or is built upon, or used for the stacking of subsoil, soil forming material or overburden, or as a machinery dump or plant yard, or for the construction of a road, all available topsoil (and subsoil) shall be stripped from that part.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 29 Soils

Topsoil and subsoil shall be separately stripped to their full depth and shall wherever possible be immediately re-spread in their correct sequence to the same settled depth. If this immediate re-spreading is not practicable the topsoil and subsoil shall be stored separately for subsequent replacement.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 30 Soils

Soils identified for use as a subsoil substitute shall be stripped separately and, wherever possible, be immediately re-spread over the replaced overburden/infill/low permeability cap. If this re-spreading is not practicable, the subsoil substitute shall be stored separately for subsequent replacement.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 31 Soil stripping

Written notification shall be made giving the Local Planning Authority five clear working days' notice of the intention to start stripping soils.

Reason: *In the interests of amenity and to ensure soil resources are correctly handled and safeguarded*

Condition 32 Retention of soils

All topsoil, subsoil, and soil forming material shall be retained on the site.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 33 Soil retention for restoration

Pockets of suitable soil forming material shall be recovered, wherever practicable and necessary during the stripping or excavation operations, for use during the restoration phase.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 34 Soil bunds

Bunds for the storage of agricultural soils shall conform to the following criteria:

- a) Topsoil, subsoil, and subsoil substitutes shall be stored separately.
- b) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with the Local Planning Authority.
- c) Topsoil bunds shall not exceed 3 metres in height and subsoil (or subsoil substitute) bunds shall not exceed 5 metres in height.
- d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

Reason: In the interests of amenity and to ensure soil resources are correctly handled and safeguarded

Condition 35 Storage of soil bunds

All storage bunds intended to remain in situ for more than 6 months or over the winter period are to be grassed over in accordance with a seed mixture and application rates specification submitted to and agreed in writing by the Local Planning Authority no less than one month before it is expected to complete the formation of the storage bunds. Thereafter mounds shall be managed throughout the period of storage to maintain satisfactory vegetation cover, ensure weed control and to avoid erosion and water logging.

Reason: To ensure soil resources are correctly handled and safeguarded

Condition 36 Soils

The subsoil is to be tipped in windrows and spread to the required level, in 5-metre-wide strips in such a manner as to avoid compacting placed soils. Topsoil is then to be tipped, lifted, and evenly spread onto the levelled subsoil, also in such a manner as to avoid compacting the placed soils.

Reason: To ensure soil resources are correctly handled and safeguarded

Condition 37 Soil depth

The minimum settled depth of agricultural restoration soil layer (topsoil, subsoil, weathered limestone and/or quarry waste) shall be 1 metre.

Reason: To ensure soil resources are correctly handled and safeguarded and to reserve the right of control by the Local Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Condition 38 Soil material

All stones and other materials in excess of 150 millimetres in any dimension which are likely to obstruct cultivation in the agricultural after use shall be picked and removed from the site.

Reason: To reserve the right of control by the Local Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Condition 39 Subsoil placement (discharge required)

The applicant shall notify the Local Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.

Reason: To reserve the right of control by the Local Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Condition 40 Soil settlement

In any part of the site where differential settlement occurs during the restoration and Aftercare period, the applicant, where required by the Local Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed in writing with the Local Planning Authority.

Reason: To reserve the right of control by the Local Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Condition 41 Aftercare Scheme (discharge required)

An Aftercare Scheme requiring that such steps as may be necessary to bring the land to the 'required standard' for the use of agriculture shall be submitted for the approval of the Local Planning Authority not later than 3 months prior to the date on which it is first expected that the replacement of topsoil shall take place. The submitted Scheme shall:

- a) Provide an outline strategy in accordance with Annex A of MPG 7 for the five-year Aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The Scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants, the Local Planning Authority and Defra.
- b) Provide for a detailed annual programme, in accordance with Annex A of MPG 7 to be submitted to the Local Planning Authority not later than two months prior to the annual Aftercare meeting.

Reason: In the interests of amenity, monitoring site operations and in the interests of achieving a high standard of landscaping and restoration in a timely manner

Condition 42 Aftercare

Unless the Local Planning Authority, after consultation with Defra, agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the approved Scheme.

Reason: In the interests of amenity

Target Determination Date: 13 June 2023

Case Officer: Emma Coverdale, emma.coverdale@northyorks.gov.uk

Appendix A – Proposed Layout Plan

