

**North Yorkshire Council**  
**Community Development Services**  
**Strategic Planning Committee**

**09 JANUARY 2024**

**C6/22/00349/CMA IMPORTATION OF 3.6 MILLION TONNES OF INERT WASTE WITH FINAL RESTORATION, TOGETHER WITH ASSOCIATED SCREENING AND RESALE OF SOILS AND SOIL-TYPE MATERIALS GEBDYKES QUARRY, GEBDYKES FARM, BURTON ON YORE, NORTH YORKSHIRE, HG4 4BT ON BEHALF OF LIGHTWATER QUARRIES LTD**

**Report of the Assistant Director Planning – Community Development Services**

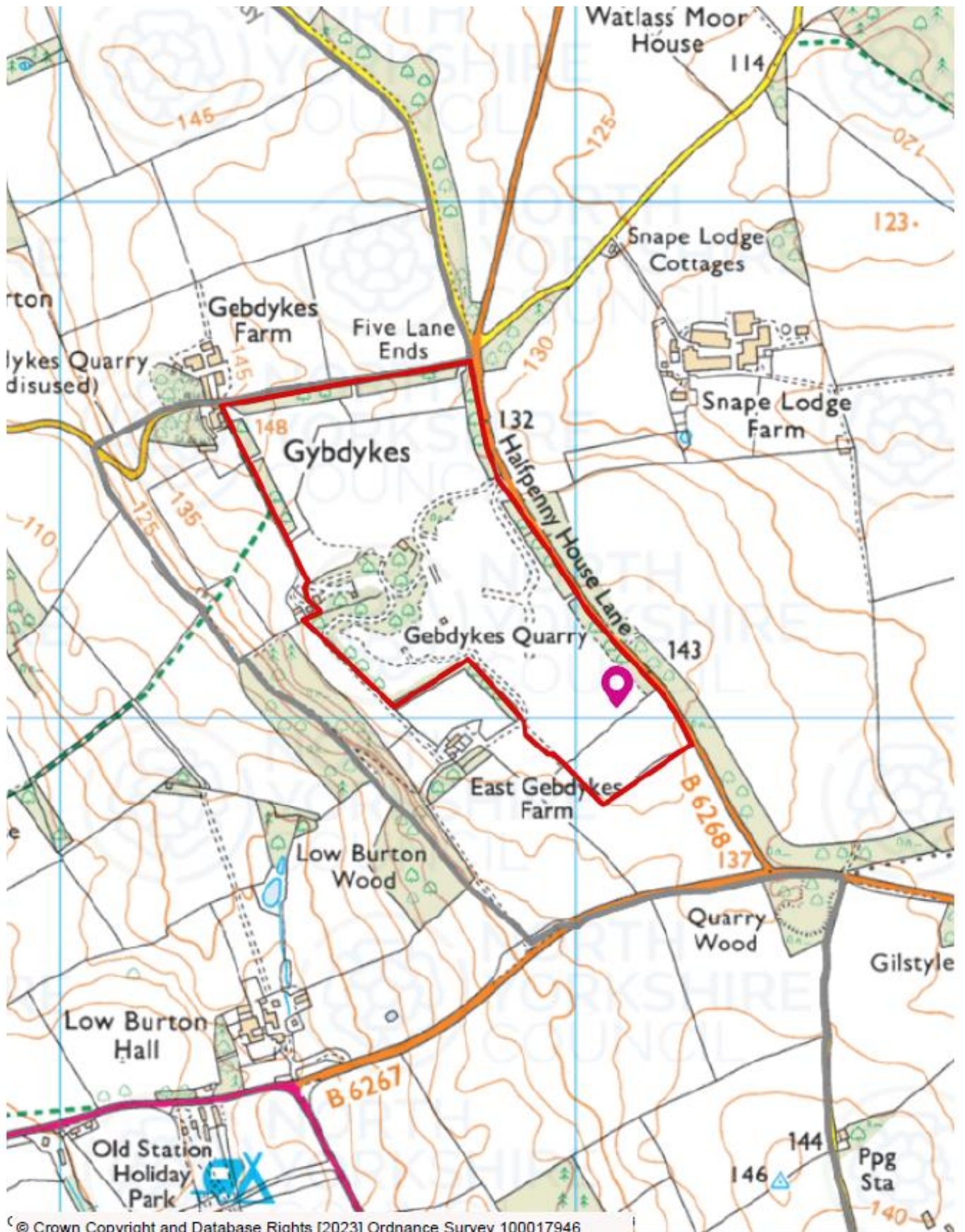
**1.0 Purpose of the report**

- 1.1 To determine a planning application for the importation of 3.6 million tonnes of inert waste with final restoration, together with associated screening and resale of soils and soil-type materials on land at Gebdykes Quarry, Gebdykes Farm, Burton on Yore, North Yorkshire, HG4 4BT
- 1.2 This application is accompanied by an Environmental Statement and is, therefore, reported to this Committee for determination.

**2.0 SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.**

- 2.1. Planning permission is sought for the importation of 3.6 million tonnes of inert waste with final restoration, together with associated screening and resale of soils and soil-type materials. The final restoration would bring the final landform in the southern half of the void approximately back to the original ground level before the quarry began.
- 2.2. Gebdykes Quarry is located approximately 1.5 kilometres (km) to the north-east of Masham, North Yorkshire. The quarry is 34.1 hectares in size and most of it is open as a large void. The quarry runs adjacent to the B6268 (Halfpenny Lane) from which it is substantially screened from view by mature boundary planting.
- 2.3. It is acknowledged that the existing void would be restored in accordance with a low-level scheme, without the importation of other material and this would result in the site not being restored to pre-mineral working conditions and potentially result in an overall environmental net-loss.
- 2.4. It is considered that the proposed development is in accordance with the development plan, and any environmental impacts of the proposed development could be controlled by condition, the impact on neighbouring residential properties could be mitigated and there are no other material considerations that would indicate a refusal in the public interest.



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here:-  
<https://onlineplanningregister.northyorks.gov.uk/Register/PlanAppDisp.aspx?recno=11481>
- 3.2. There are six relevant planning applications in relation to Gebdykes Quarry which are detailed below.
- C2/135/51A/PA - Office and weighbridge - 28<sup>th</sup> July 1983;
  - C2/86/135/0051B - Storage of topsoil on land to the east of the quarry workings - 12<sup>th</sup> September 1986;
  - C2/97/135/0051C/MR – Application for Determination of Updated Conditions regarding Planning permission 2/2/68 - 3<sup>rd</sup> February 1998;
  - C2/99/135/0051D - northern, eastern and southern extension to Gebdykes Quarry - 5<sup>th</sup> November 2001;
  - NY/2017/0283/MRP - first review of planning conditions attached to planning permissions C2/97/135/0051C/MR and C2/99/135/0051D - currently on hold pending further information from the Applicant at the time of writing this report.
  - C6/21/02662/CMA - northern extension to the quarry to extract 5.3 million tonnes of limestone - 4 March 2022.

### **4.0 Site and Surroundings**

- 4.1 Gebdykes Quarry is located approximately 1.5 kilometres (km) to the north-east of Masham, North Yorkshire. It is 5.5km to the south-west of Bedale and about 10km east of the A1(M). The quarry is 34.1 hectares in size and most of it is open as a large void. The quarry runs adjacent to the B6268 (Halfpenny Lane) from which it is substantially screened from view by mature boundary planting. Access to the quarry is off Halfpenny Lane about 250m south of the Five Lane Ends junction. Limekiln Lane runs east to west immediately to the north of the quarry.
- 4.2 The existing quarry forms a large void, generally rectangular in shape running north to south, with a large box-cut into the western boundary. It is wider at the northern end, up to 350 metres in width, and currently about 750 metres in length. At its deepest, the void is 27 metres deep. The void is relatively open with stockpiles, weighbridge and staff facility cabins; all located within a relatively small area central to the quarry at the base of the entrance ramp. The landform rises very slightly to the north over the length of the site.
- 4.3 Substantial blocks of tree planting, 25 metres – 30 metres in depth, have been planted on the northern boundary of the quarry, immediately adjoining the length of Limekiln Lane, along the eastern boundary next to Halfpenny Lane, and along the western boundary adjoining an agricultural field track. This planting, together with existing roadside hedgerows substantially screens views into the existing quarry. The southern boundary is without boundary planting, but is not visible from the nearest public viewpoint on the B6267 (Masham to Nosterfield road) due to an intervening rise in the landform.
- 4.4 The quarry is set within a rolling agricultural landscape, typified by large fields, substantial hedgerow planting and blocks of woodland. The quarry is bounded to the

north by Limekiln Lane, running east to west and, to the east by Halfpenny House Lane, a more substantial road that forms part of the network between Bedale to the north and Ripon to the south. Despite the proximity of these roads, the quarry void itself is not visible from outside of its own boundary other than from occasional gaps in hedges. Substantial screen planting along the northern, eastern and southern boundaries, helps to mitigate any visual effects.

- 4.5 To the west of the site is an agricultural track and a large block of woodland. Beyond that, the land falls towards the Ure Valley bottom and the town of Masham. There is no visibility of the quarry beyond the access track. The surrounding area is sparsely populated, with no villages or settlements other than isolated farm buildings or clusters in the immediate vicinity. Masham is located 1.5km away, but at a much lower setting. The villages of Well, Snape and Thornton Watlass are all at least 2.5km away.
- 4.6 Gebdykes Farm is located 560m northwest of the site, on Limekiln Lane. Mapping from 1865 identifies a limekiln and a quarry, also named Gebdykes Quarry, located west of the farm. This quarry has since been worked and restored into a small, wooded area. High Burton is positioned 1.1km northwest of the site. Snape Lodge Farm is 430m northeast of the site. East Gebdykes Farm is located 100m west of the site with agricultural fields located to the immediate south, before reaching the B6267. Further agricultural fields and scatterings of woodland are located beyond the B6267 which also host a small number of rural properties.
- 4.7 Agricultural fields and scatterings of woodland are also located west of the site, before reaching an unnamed road, aligning the River Ure. A small grouping comprising Low Springs Cottage, Low Burton and North Cote Farm are located 670m, 945m and 1.1km southwest of the site, respectively.
- 4.8 There are no environmental designations located within the site boundary. However, there are a number of sensitive environmental receptors designated in the wider area. These are the following:
- Mar Field Fen (SSSI), 1.2km west of the site;
  - Nidderdale (AONB), 3km west of the site;
  - Nosterfield (LNR), 4km south of the site;
  - Hack Fall Wood (SSSI), 4.2km south of the site;
  - East Nidderdale Moors (Flamstone Pin – High Ruckles) (SSSI), 6.3km west of the site;
  - North Pennines Moors (SAC and SPA), 6.3km west of the site; and
  - Newton-le-Willows Meadows (SSSI), 6.8km north of the site.
- 4.9 There are no heritage assets located within the site boundary. There are a number of scattered and clusters of heritage assets in the wider area, including in those Conservation Areas of Snape, Well, Thornton Watlass and West Tanfield. Those nearest assets to the site include:
- Low Burton Hall (Grade II Listed), 630m southwest of the site;
  - Dovecote (Grade II Listed), 890m east of the site;
  - Burton House (Grade II Listed), 1km southwest of the site;
  - Low Mains Farmhouse (Grade II Listed), 1.3km northwest of the site; and
  - Masham Bridge (Grade II Listed), 1.3km southwest of the site.
- 4.10 The site is located within Flood Zone 1. The nearest source of flooding is the River Ure, located 1.1km west of the site boundary. There are no Public Rights of Way (PROW) crossing the site boundary. The nearest PROW is Limekiln Lane (footpath)

(Path number 10.133/10/1) and track (Path number 15.19/2/1) reaching Burton House from Gebdykes Farm, northwest of Gebdykes Quarry.

## 5.0 **Description of Proposal**

5.1 Planning permission is sought for the importation of 3.6 million tonnes of inert waste with final restoration, together with associated screening and resale of soils and soil-type materials on land at Gebdykes Quarry on behalf of Lightwater Quarries Ltd. The application is accompanied by an Environmental Statement (ES).

5.2 The ES states that the final restoration would bring the final landform in the southern half of the void approximately back to the original ground level before the quarry began. The restored landform will return a mosaic of agricultural fields, hedgerows, tree planting and low nutrient grassland.

### Landfill operations

5.3 It is further stated within the ES that inert waste materials are categorised by the Environment Agency and would be subject to permitting under their separate regime. In broad terms, such materials would include materials deriving from the demolition and construction of development sites as well as soils and soil-making materials. Where soils are to be imported, they would be screened, kept separate and either used in the final restoration or sold offsite. No imported material would be in any higher category of waste (such as non-hazardous or hazardous) and the site would form a reception site for landfill of materials that cannot otherwise be recycled or move up the waste hierarchy.

5.4 The base of the existing quarry is dry and bare of soils. Compacted materials would be placed and rolled to meet the permeability requirements of the Environment Agency to present a suitable barrier to connectivity with groundwaters below the floor. This may include waste limestone arisings and clays from the mineral operations on site.

5.5 Compacted materials would also be placed on the sides of the voidspace up to the existing faces to again ensure a level of impermeability against the existing faces. This would be wide enough for a roller to press down and would be built up in approximately 5m heights as the landfill progresses. The landfill material itself would then be placed in layers approximately 5m deep and compacted. Once a layer is compacted, another layer would be placed on top. This would continue until final restoration contours are achieved.

5.6 The landfill operation would then be undertaken over five phases; although in practice each phase would simply represent a continuation of infilling from the previous phase. Details of each phase and the anticipated timescale for completion of those phases is shown in Table 3.1 (Chapter 3 of the ES – project description) below sourced from the application details.

<b>Phase</b>	<b>Inert waste (tonnes)</b>	<b>Timescale (years)</b>	<b>Average (per year)</b>
Phase 1	674,000	3.5	192,571
Phase 2	664,000	3.5	189,714
Phase 3	1,016,000	5	203,200
Phase 4	760,000	4	190,000
Phase 5	488,000	3	162,667
Total	3,602,000	19	189,579

- 5.7 Landfilling would operate under 'dry working' conditions, with the lowest point of landfill still above groundwater levels. No surface streams would enter the extension area. Precipitation would be directed to a sump, from where it would be allowed to infiltrate back to bedrock with no discharge to off-site bodies.
- 5.8 The site lies within a Fluvial Flood Zone 1 with a low flood risk. A formal Flood Risk Assessment has accompanied the application and concludes no significant change to flood status or risk as a result of landfilling.
- 5.9 A full Hydrogeological Assessment of the proposal has been undertaken and concludes that, with appropriate measures in place, there would be no effects on surface and groundwater regimes greater than minor and, as such, no significant effect on the water environment as a whole.

#### Traffic movements

- 5.10 Waste would be sourced from construction sites across North Yorkshire and brought to the site using the same lorries as are currently used for mineral extraction. These would enter the site using the existing access haul road that enters off Half Penny Lane. The lorries would report to the weighbridge for weighing and inspection before then progressing into the southern half of the site where the materials would be tipped, ready to then be compacted.
- 5.11 There would likely be some sharing of lorry movements, whenever possible, with inert materials being brought in and aggregate stone taken out using the same lorries, coinciding with the recently granted planning permission for the extension to the north of the current application area.
- 5.12 It is anticipated that there would be an average of 34 daily transport movements (up to 70 two-way) and a maximum of 46 daily movements (up to 92 two-way) generated by the proposed development. Material would be transported via HGVs to the site, which would have an average estimated capacity of 20 tonnes and operate 275 days per annum. The anticipated daily vehicle movements per phase are shown in Table 3.2 (Chapter 3 of the ES – project description) below sourced from the application details.

<b>Phase</b>	<b>Inert waste (tonnes)</b>	<b>Timescale (years)</b>	<b>Average (per year)</b>	<b>Vehicle numbers (daily)</b>	<b>Maximum vehicle numbers (+25%)</b>
Phase 1	674,000	3.5	192,571	35 (70 two-way)	44 (88 two-way)
Phase 2	664,000	3.5	189,714	34 (68 two-way)	43 (86 two-way)
Phase 3	1,016,000	5	203,200	37 (74 two-way)	46 (92 two-way)
Phase 4	760,000	4	190,000	35 (70 two-way)	44 (88 two-way)
Phase 5	488,000	3	162,667	30 (60 two-way)	38 (76 two-way)
Total/Average	3,602,000	19	189,579	34 (68 two-way)	43 (86 two-way)

- 5.13 The site would also provide customers with the opportunity to both tip and collect soils and soil-type materials. This provision is only offered by a small number of other waste sites in the local area and the estimated vehicle movements in Table 3.2 include this activity.

#### Site compound

- 5.14 The existing site compound would be retained and used as a weighbridge, car park, staff mess facility and overnight parking of mobile plant. The weighbridge office is a

single storey block-built building. All weighbridge operations are, and would continue to be, remotely controlled by an operator at Potgate Quarry (a quarry also owned by the applicant company).

#### Hours of operation

- 5.15 There would be no changes to existing the hours of operation. The hours would be retained as 07:00 – 19:00 Monday to Friday, 07:00 to 13:00 Saturday, and no working on Sundays or Public Holidays. Outside of these hours, essential maintenance of plant and machinery may take place.

#### Site restoration

- 5.16 Upon completion of the landfill and appropriate profiles have been reached, the site would be restored to achieve a high-level scheme.
- 5.17 The site would be restored in accordance with the proposed Restoration Scheme, attached at the end of this report, as well as that proposed as part of the application for the northern extension to Gebdykes Quarry (permission reference ref. C6/21/02662/CMA).
- 5.18 The latest Review of Old Mineral Planning Permission (ROMP) for Gebdykes Quarry prepared both a low-level scheme and very low-level scheme. This was due to the finding that the amount of waste produced from Gebdykes Quarry would be less than that predicted under previous planning applications. Therefore, justifying the need to import a certain volume of inert material to the site to meet required profiles and to restore the landscape, with net-benefit.
- 5.19 A Landscape and Biodiversity Restoration and Management Plan has been submitted as part of the ES, which is based on the plan prepared and submitted for the northern extension planning application. It details how the proposed landuses are to be created and managed during operation, the aftercare period and in the longer term. This includes the revised restoration scheme that better merges the voids with the surrounding landform.

## **6.0 Planning Policy and Guidance**

- 6.1. 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

- 6.2. The Adopted Development Plan for this site is:
- Minerals and Waste Joint Plan, adopted 2022
  - Hambleton Local Plan, adopted 2022

#### Guidance - Material Considerations

- 6.3. 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. **Masham, Burton on Yore, Ellington High and Low and Swinton with Wathermarske Parish Council:** responded on 14 February 2022 confirming that the Parish Council supports the application.
- 7.3. **Snape with Thorpe Parish Council** – at the time of writing this report, a response has not been received.
- 7.4. **Councillor Felicity Cunliffe-Lister** : was notified of the application.
- 7.5. **Councillor David Webster:** was notified of the application.
- 7.6. **Environment Agency** – confirmed on 8 March 2022 that no further information is required and that the EA have no objection to the proposal.
- 7.7. **Planning - Hambleton area & Conservation** – at the time of writing this report, a response has not been received.
- 7.8. **Planning – Harrogate area** – responded on 9 March 2022 stating that *“The judgement of whether any planning harm would arise from this proposal and whether adequate mitigation can be sought rests with the County Planning Authority. In making that judgement the District Council would expect the relevant policies of the development plan and related supplementary planning guidance are taken into account. The site lies within or close to character area 41 of the Landscape Character Assessment of the Harrogate District (River Ure Corridor (Charlcot to Aldburgh Hall).”*

It has since been established that the site does not lie within the Landscape Character Area, but sits adjacent to the boundary.

- 7.9. **Highway Authority** – responded on 4 February 2022 stating that “The Highway Authority recognizes the need for landfill site within the County and can see the advantages this site will have for the on going need for this type of facility. The application on its own merits has the support of the Highway Authority and agrees that the application will not have a greater impact than the existing permission. Indeed it is likely vehicles entering and leaving the site will be reduced from the current numbers. However the Highway Authority is concerned regarding numbers and impact on the highway network if the northern application to extend the facility is successful. The potential traffic flow as stated in the report is in the order 206 vehicles a day. Back filling of lorries has been briefly discussed in the report. The Highway Authority would however like to see a firm commitment from the developer to numbers of vehicles being used in this way. I therefore look to the developer to suggest a framework where numbers could be identified and increase to say 25% of the total volume of traffic at the two site over a number of years allowing the developer to increase flows allowing funds to be generated. The existing access has acceptable visibility splays and local highway network does have sufficient capacity.”



Consequently, the Highway Authority recommends that conditions be attached to any grant of planning permission, which relate to maintaining access in a good state of repair; and the submission of a construction management plan.

- 7.10. **The Lead Local Flood Authority (SuDS)** – at the time of writing this report, a response has not been received.
- 7.11. **Natural England** – responded on 25 February 2022 confirming no objection, and that based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 7.12. **Environmental Health Officer - Hambleton area** – responded on 24 May 2022 stating that if all proposed mitigation measures are implemented, that it is assessed that no additional mitigation is required. Similarly to the EHO at Harrogate, also requested that operational hours remain the same - 7am to 7pm (Monday to Friday) and 7am until 1 pm Saturday with no operations on Sunday and bank holidays.

With regard to dust, recommended that the dust control techniques as proposed as fully implemented.

- 7.13. **Environmental Health Officer - Harrogate area** – responded on 1 February 2022 stating that operational hours should remain as they are with 7am to 7pm (Monday to Friday) and 7am until 1 pm Saturday with no operations on Sunday and bank holidays. The noise limits for long term operations have been set to achieve worst case situations so that the assessment is more robust. Apart from ESR 6 where there is a +1 the remaining ESRs have a negligible impact on them during the lifetime of the quarry and therefore are not significant. On the basis of these predictions no additional mitigation is required but the hours already in use should continue.

With regard to dust, the application proposes control techniques to be used for the operations most likely to give rise to dust and include measures such as protection of stockpiles, wetting and sheeting of vehicles etc. and the proposals listed in the technical note should be implemented.

- 7.14. **Ministry of Defence Safeguarding Organisation** – first responded on 10 February 2022 stating that the proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches and the line of sight of navigational aids and transmitters/receivers are not impeded. *“In summary, the MOD does not object to this application provided the developer can provide assurances that the waterbodies, for both the operational stage and restoration stage, will include mitigation measures to deter feral geese from site. This should include increasing the aquatic marginal vegetation planting to create a barrier around each waterbody, thereby, preventing feral geese from walking into the water and there should also be assurances that no waterbody will contain any islands, thereby reducing breeding opportunities. can confirm subject to the above design requirements being implemented as part of any planning permission granted, the MOD maintains no*

*safeguarding objection to this application. However, information and assurances should be provided by the developer as detailed above.”*

Following this, the Applicant confirmed on 17 February 2022 that the waterbodies, for both the operational stage and restoration stage, will include marginal vegetation planting around each waterbody to deter feral geese. The MOD later responded to this requesting a condition for the submission of a management and maintenance schedule providing details of measures that will be taken to ensure that hazardous bird species are deterred from the site.

- 7.15. **NYC Heritage – Archaeology** – confirmed in a response on 4 February 2022 that there are no objections.
- 7.16. **NYC Heritage – Ecology** – Following a number of consultation responses, discussions took place between the Ecologist and the Agent, and on 9 August 2022, the Ecologist confirmed in a final consultation response that having reviewed the information they are satisfied that there is no conflict between the minerals application and this proposed development in terms of achieving restoration for nature conservation and with regard to Biodiversity Net Gain, of which the proposal demonstrates that net gain can be achieved. The Ecologist is supportive of the recommendation for pre commencement checks by a suitably qualified ecologist, and of the recommendation to secure a Construction Environmental Management Plan (CEMP) by condition. There will be a need to secure the long term management and monitoring of the site for a period not less than 30 years through use of a Section 106 agreement (or similar) but there are no further ecological concerns.
- 7.17. **NYC Heritage - Principal Landscape Architect** – responded on 22 March 2022 confirming they were generally in agreement with the scope and overall conclusions of the Landscape and Visual Impact Assessment (LVIA); that the site is not widely visible from the surrounding area and that restoration would result in beneficial landscape and visual effects. Furthermore, they would generally support the principle of progressive working and restoration set out in the submitted phasing plans and overall restoration scheme.

The Landscape Architect further states that should planning permission be granted, that the following should be secured by a suitably worded condition or legal agreement – detailed landscaping scheme, protection of existing established vegetation, woodland and planting; and landscape and biodiversity restoration and management plan to be secured.

Furthermore, a number of amended plans were submitted in response to the Landscape Architect’s comments, who later confirmed on 27 July 2022, that they are satisfied that these resolve any remaining clarification and adjustment issues and therefore there is no landscape objection to the scheme, subject to the suitably worded landscape conditions as discussed above.

- 7.18. **NYC Public Rights of Way Team** – responded on 3 February 2022 confirming that the site lies adjacent a Public Right of Way, and that if the proposal would impact the

PROW directly (which it is confirmed that it will not), that applications would need to be made to the PROW team to divert this. Otherwise, the PROW must be protected and kept clear of any obstruction for the duration of the development.

- 7.19. **Yorkshire Water Services Ltd** – responded on 28 January 2022 confirming that no observation comments are required from Yorkshire Water.
- 7.20. **Yorkshire Wildlife Trust** – at the time of writing this report, a response has not been received.

#### Local Representations

- 7.21. No local representations have been received in relation to this planning application.

### **8.0 Environment Impact Assessment (EIA)**

- 8.1. The proposed development is identified as Schedule 2 development due to exceeding the applicable threshold of Section 11(b) (Installations for the disposal of waste) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017. In the case of Schedule 2 development, it is at the discretion of the local planning authority as to whether, by virtue of factors such as nature, size and location, a development is likely to have significant effects on the environment, thereby constituting EIA development. However, the applicant itself has considered the potential impacts of the proposed development and determined that an Environmental Impact Assessment (EIA) should be carried out.
- 8.2. The Environmental Statement 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.) Landscape and Visual Impact (LVIA) – The LVIA considers the site and its surroundings, encompassing an area within a 5km radius of the outermost edge of the development. This area has been determined by the topography of the landscape and intervening physical features. The LVIA was carried out by means of a process of desk and site survey and analysis of this 5km study area.

Chapter 6 of the ES assesses the effects of the proposal on the landscape character and landscape resource, and on the visual amenity of the site and surrounding area. The site sits within a Magnesian Limestone Ridge character area. The predominant landscape character of the area is agricultural with dispersed small and medium sized woodlands. The ES concludes that the development would not be significant due to the partial alteration of the landscape baseline that would be perceived at the scale of the immediate setting of the site, notwithstanding the long-term duration of the operations.

ii.) Ecology and Biodiversity – Chapter 7 of the ES assesses the ecological impacts of the development and is accompanied by surveys of protected species. The ES

includes an assessment of the effects of the proposed development in respect to flora and fauna and their conservation and enhancement. The assessment acknowledges the importance of protected species, their habitat and their sensitivity. The ES has used this as a basis for assessment of the impact of magnitude as well as extent, duration, reversibility, timing and frequency of the effects of the proposed development.

iii.) Water Resources - Chapter 8 of the ES focuses on water resources; a Flood Risk Assessment has been carried out. The application site is not within Flood Zone 2 or 3, but is located wholly within Flood Zone 1. The Flood Risk Assessment considers the potential of flooding onsite and how the proposal would contribute to flood risk off site.

The assessment states that there are few pathways for any surface water flooding generated in off-site areas to enter the site area. Surface water runoff from small area of land adjacent to the western site boundary may potentially flow towards the site, however, it is expected that this would disperse within the area of woodland at the site boundary. Furthermore, based on the size of this area in comparison to the 11.1 hectare site, it is considered that the volume of runoff generated would have minimal impact upon the site.

iv) Air Quality - Chapter 9 of the ES considers the potential air quality and dust impacts of the proposal. The applicant's assessment has focused on dust from the infilling operations and the wider site as a whole, including landscaping and the transport of materials (via HGV). The ES includes a dust assessment considering the potential impact of the proposed infilling on five existing sensitive receptors within 400m of the mineral extension. With regards the users of the footpath as sensitive receptors, the assessment concludes that they would be exposed to potential air emissions for much shorter periods of time than residential receptors and therefore considered to be low sensitivity.

v.) Noise - Chapter 10 of the ES focuses on noise impacts. A noise impact assessment has been undertaken based upon a distance attenuation calculation presenting a worst-case scenario, including the cumulative impact of the operation of the mineral workings in the northern extension for each stage of the design. The assessment concludes that that the noise from worst-case long-term operations would be negligible and, other than for a short period during Phase 1 when an exceedance of 1dB is predicted at one noise sensitive receptor, would not exceed the background noise levels at the existing sensitive receptors.

vi) Highways and Traffic – The ES includes an assessment (Chapter 11) of the potential highway and transportation impacts of the proposal to infill the existing quarry which would be carried out in conjunction with the extraction of minerals as part of an extension to the quarry (planning permission ref. C6/21/02662/CMA, 4 March 2022). In terms of highway impacts, the ES concludes that the importation of inert waste materials would effectively replace HGV movements from the existing aggregate exports from Gebdykes quarry with inert material imports from albeit over an extended period of time between 2023 to 2042.

vii) Climate Change - Chapter 12 of the ES relates to climate change. An impact assessment, considering the likely effects arising from undertaking the proposed development, has been undertaken. The assessment concludes that, overall, the proposal is considered to be compatible with the MWJP Policy W01. The proposed development's absolute emissions with mitigation were modelled to be the same as the baseline emissions. Therefore, the impact was deemed to be negligible, not significant, over the long term.

## **9.0 Main Issues**

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

- Principle of development
- Local amenity (noise, odour, dust)
- Air Quality
- Landscape and visual impact
- Soils and agricultural land use
- Habitats, nature conservation and protected species
- Restoration and aftercare
- Highways matters
- Flood risk and drainage
- Climate change
- Section 106 Agreement

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. The acceptability of the development, in principle, is considered against Policies D01 and D11 of the MWJP and S5 of the Hambleton Local Plan. MWJP Policy D01 supports the presumption in favour of sustainable minerals and waste development, reflective of the NPPF, where proposals accord with the policies of the development plan and improves the economic, social and environmental conditions in the area unless material considerations indicate otherwise. MWJP Policy D11 supports proposals for minerals and waste development where measures appropriate and proportionate to the scale of the development have been incorporated in the design, construction and operation in relation to a number of specified criterion. Policy S5 of the Hambleton Local Plan supports development in the countryside where it accords with national policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area within which it is located.
- 10.2. The proposed infilling would result in the final restoration bringing the landform in the southern half of the quarry void back to the approximate original ground level before mineral extraction commenced. The restored landform would return a mosaic of agricultural fields, hedgerows, tree planting and low nutrient grassland. Were the proposed development not to be carried out, the existing void would be infilled with residual mineral waste that has been accumulated from the mineral operations to a

low restoration level. However, the Applicant has advised that the mineral waste produced by the quarry is less than previously anticipated.. This would result in the site not being restored to pre-mineral working levels or uses and potentially result in an overall environmental net-loss from restoring the site to the proposed mosaic of agricultural fields, hedgerows, tree planting and low nutrient grassland through a Landscape and Biodiversity Restoration Landscape Management Plan.

- 10.3. Gebdykes Quarry currently has the benefit of an extant planning permission for a 27 hectare extension to the north (ref. C6/21/02662/CMA dated 4 March 2022). The proposed infilling and recycling operations would utilise the existing quarry infrastructure and haul road, including the site compound which would be retained and used as a weighbridge, car park, staff mess facility and overnight parking of mobile plant; no changes are proposed to the existing approved hours of operation at the site.
- 10.4. The proposed timescale of 19 years for infilling would reflect the approved end date for the recently approved mineral extraction and restoration in the northern extension area. It is considered that whilst the proposal would constitute an intensification of works within the proposed infill area, it would not be a significant intensification of operations on site in conjunction with mineral extraction in terms of HGV and hours of operation (discussed in more detail later in the report).

The proposal would provide an opportunity to restore the quarry to adjoining land levels and create a more diverse mosaic of land uses; thus, improving environmental conditions than could otherwise be achieved with the existing restoration scheme and which would be acceptable for the purposes Policy D01 of the MWJP. The proposal has been designed in such a way as to provide an improved restoration scheme with more diverse land uses providing land use and ecological benefits to the site and surrounding area compatible with the purposes of Policy D11 of the MWJP. The proposal is to infill part of an existing quarry that has been worked out and would result in an improved restoration scheme. It would not harm the character, appearance and environmental qualities of the area in accordance with Policy S5 of the Hambleton Local Plan.

- 10.5. In relation to the '*proximity principle*', as set out at national level in the NPPW, this aims to direct waste management facilities close to sources of waste. The Applicant has stated that the Construction, Demolition and Excavation (CD & E) waste would be sourced from the 'local area' (such as from local housing and construction projects). The contracts and source of waste material is a commercial matter and the costs associated with the transport of the waste and market forces would regulate the waste movement such that the facility would be likely to represent the '*Nearest Appropriate Installation*' (in respect of the '*proximity principle*') for the disposal of inert wastes and the associated recovery and sale of soil and soil making materials. The transport of inert materials by HGV on the public highway is the most appropriate mode of transport with the site being in proximity to major highways including the A1. The suitability of the highway network, in terms of traffic movements and distances travelled by HGVs, means this proposal represents a sustainable solution for the disposal and processing of the inert waste and complies with the proximity principle set out in the NPPW. Overall, it is considered that the capacity to be provided by the

facility would help ensure that waste can be dealt with at the '*Nearest Appropriate Installation*' and help ensure its management in accordance with the '*proximity principle*' of the NPPW (2014).

- 10.6. In terms of the Minerals and Waste Joint Plan and the Waste Hierarchy, the relevant policies are Policy W01 is concerned with moving waste up the hierarchy, Policy W02 with regard to capacity of waste sites in the plan area, Policy W05 in regards to construction and demolition waste capacity and Policy D01 in regards to the presumption for sustainable development. Policy W01 states in criterion 4 that inert landfill would be permitted for a high standard of quarry reclamation in accordance with agreed reclamation objectives. It is considered that the proposed infilling is required to bring the land back into beneficial use and without the infilling the land would only be restored to a low-level scheme, resulting in the site not being restored to pre-mineral working conditions and potentially result in an overall environment net-loss. It is therefore considered that the proposal is in compliance with the policy wording of Policy W01 (4) of the MWJP.
- 10.7. Policy W02 provides support for additional waste management capacity needed to help achieve net self-sufficiency in capacity equivalent to expected arisings in the Plan area, by December 2030. Proposals not provided for in the Joint Plan are supported where they would be in line with Policies W10 and W11. The projected waste arising for CD & E waste for North Yorkshire sub region for the remaining Plan period is 897,639 (tonnes) 2025 and 920,306 (tonnes) by 2030. The projected operational capacity for landfill of CD & E waste has been calculated as 131,340 (tonnes) for 2025 and 2030 respectively. Assumptions are that the recycling of CD & E waste will significantly increase within the plan period – up to 75% by 2020, but with a capacity gap predicted, and consequently a potential need for additional landfill capacity if the 75% recycling rate is not achieved. The proposal is for the disposal of 3.6m tonnes of CD & E waste over a 19-year period, 11 years beyond the current plan period, and would help provide capacity for any shortfall in waste recycling operations elsewhere and accord with the intentions of Policy W02. Gebdykes Quarry is also located in close proximity to the Yorkshire Dales National Park and could replace other quarries in close proximity receiving inert materials that have limited remaining life.
- 10.8. Policy W05 of the MWJP supports self-sufficiency for the management of CD & E waste by, (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, and (iv) 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). The Policy identifies and allocates sites for the recycling of CD & E waste and for the landfilling of CD & E waste; Gebdykes Quarry is not identified or allocated as a site for the recycling or landfilling of CD & E wastes. However, of the three that are allocated for landfilling, two fall within Selby District and one in the City of York. Gebdykes Quarry, located in Bedale provides a strategic location for the disposal of inert waste for both the immediate area and for the Yorkshire Dales National Park. It could also be a successor to other inert waste landfill facilities that currently serve the area but have a limited remaining life. The proposal could provide a facility in the locale without the need for travelling

greater distances to dispose of waste. It is therefore considered that whilst the site is not allocated for inert waste landfill, it would be acceptable in principle for the purposes of Policy W05.

- 10.9. The MWJP policies W10 and W11 require the proposed infilling to be considered in relation to physical environment, amenity and infrastructure constraints including existing neighbouring land uses and the capacity of transport infrastructure, which will be further considered in this report. It is considered that the proposed development meets the location and site identification criteria stated in policies W10 and W11 of the MWJP as it would maximise the use of the existing quarry void of Gebdykes Quarry and would utilise site facilities for the recycling of CD&E waste on a minerals site in an area outside Areas of Outstanding Natural Beauty and out of the National Park. This would also allow for the additional capacity and/or appropriate additional or alternative waste uses within the footprint of an existing quarry site, which is in compliance with W10 points 1 and 3.
- 10.10. It is considered the wider economic benefits of the proposed development should also be given weight and consideration, with the benefits of the use of an existing quarry void, the opportunity to create a more productive agricultural field and increase biodiversity through further planting being relevant in the consideration of this application. Therefore, the proposal is considered to be in compliance with relevant policies of the Hambleton Local Plan, particularly; Policy S1 (sustainable development principles), which seeks to ensure that positive contributions are made through sustainable development that make effective an efficient use of land; and Policy S5 (development in the countryside), which seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource. Policy EG7 (businesses in rural areas) seeks to promote a vibrant rural economy within the district's extensive countryside to support businesses with a genuine need to be located in the countryside; Policy E1 (Design) states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place; Policy E3 (the natural environment) states that all development will be expected to demonstrate the delivery of a net gain for biodiversity, that new development will have, as their principal objective, the aim to protect, restore, conserve or enhance biodiversity or geodiversity and deliver a net gain for such objectives which accord with all other relevant policies.
- 10.11. Policy E7 of the Hambleton Local Plan (Hambleton's Landscapes) seeks to protect and enhance the distinctive landscapes of the district and proposals will be supported where they take into consideration the degree of openness and characteristics of the landscapes, conserves and where possible, enhances any natural or historic landscape feature. It is considered that proposal takes these points into consideration where the restoration and aftercare have been carefully thought out. Policy IC2 (Transport and Accessibility) states that a proposal will only be supported where it is demonstrated that it is located where the highway network can satisfactorily accommodate, taking account of planning improvements, the traffic generated by the



development and where the development can be well integrated with footpath and cycling networks and public transport. Again, it is considered that the proposal seeks to achieve this. It is also in compliance with Policy E2 (Amenity) of the Hambleton Local Plan as it would not have a significant adverse effect upon local amenity or the character and appearance of the area, while not causing harm on nature conservation interests.

- 10.12. Therefore, overall, the principle of the proposed development is considered to be in compliance with MWJP Policies W01, W02, W05, W10, W11 and D01 and the Hambleton Local plan polices stated above as it would not have a negative effect on the economic, social or environmental conditions of the area. It is also consistent with the NPPF Paragraph 81 because of the benefits of the land improvements from the application improving the productivity of the site. However, any potential adverse impacts on the environment and amenity arising from the proposed extension need to be considered in detail and the main considerations are addressed in the subsequent sections of this report.

Local amenity (noise, odour, dust)

- 10.13. The Environmental Statement (ES) contains assessments of local amenity including Chapter 10 in regard to noise and Chapter 9 in regard to air quality. The site has operated as a quarry under the terms of the previous permission with no resultant impacts on local amenity. This planning application proposes to maintain the site's existing management operating practices, including hours of operation and dust suppression measures. In regard to the NPPF, the relevant paragraph is 185 which requires decisions to ensure development is appropriate for its location taking into account the cumulative impact on health, living conditions and the natural environment, including mitigating and reducing the impact on noise, identifying tranquil areas and limiting light pollution.

Noise

- 10.14. Chapter 10 of the ES focuses on noise impacts. A Noise Impact Assessment has been undertaken based upon a distance attenuation calculation presenting a worst-case scenario, including the cumulative impact of the operation of the mineral workings in the northern extension for each stage of the design. The assessment concludes that the noise from worst-case long-term operations would be negligible and, other than for a shorter period of approximately 3.5 years during Phase 1 when an exceedance of 1dB is predicted at one noise sensitive receptor, would not exceed the background noise levels at the existing sensitive receptors (Gebdykes Farm, High Burton Bungalow, Watlass Moor Cottages and Watlass Moor Farm, Snape Lodge Cottages and Snape Lodge Farm, Dales View and East Gebdykes Farm).
- 10.15. The proposed development does not seek to alter existing noise related procedures or conditions, including the hours of operation. All processes and practices currently utilised on site are proposed to be carried forward, including using the same access from the main public highway, the plant and machinery to include noise attenuation equipment and noise monitoring. The proposed landfilling and screening operations would be carried out within the previously approved hours of operation for the mineral operations (07:00 to 19:00 Monday to Friday, 07:00 to 13:00 on Saturdays, with no working allowed on Sundays or Public Holidays (proposed condition 7). Similarly, all

operational processes/practices including the access to site, plant and machinery including effective noise attenuation equipment, with non-audible reverse warning alarm systems would continue (proposed condition 12).

- 10.16. Policy D02 of the MWJP is the most relevant Development Plan policy against which to assess the proposed development's effects associated with noise and their potential for significant adverse impact upon both the local community and the natural environment. Policy D02 supports minerals and waste developments, including ancillary development and minerals and waste transport infrastructure where it can be demonstrated there would be no unacceptable impact on the amenities of local communities, residents, local businesses and users of the public rights network and public open space including as a result of noise. The Policy expects proposals to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable.
- 10.17. Policy E2 (Amenity) of the Hambleton Local Plan states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 10.18. When considering the impacts of the proposal, it is accepted that infilling and screening operations have the potential to generate noise due to the use of heavy plant and HGV's. It is noted that the existing layout of the quarry void already incorporates stand offs from operational areas; and phased working and existing screening bunds along the perimeter of the working area. In addition, the existing noise attenuation methods, which include all mobile plant using white-noise reverse warning systems and approved/proposed hours of working, would be retained. These working practices have already been found acceptable and are considered appropriate in relation to the current proposal to mitigate the impact of the development and limit the impact from noise on the amenities of the nearest residents, footpath users and the environment in regard to noise (proposed conditions 10, 11 and 12 in the recommendation below).
- 10.19. No objections or concerns regarding noise impacts have been raised by the local Parish Councils (Masham and Snape with Thorpe) or the relevant Environmental Health Officers (subject to conditions). No representations have been received from local residents. The EHOs have requested that existing conditions to the mineral operations regarding noise and hours of operation be carried forward to any new grant of planning permission.
- 10.20. It is therefore considered that, subject to the imposition of conditions controlling noise (proposed conditions 10, 11 and 12 in the recommendation below) and hours of operation (proposed condition 7 in the recommendation below) (reflective of those imposed on the mineral extraction operations), there would be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network as a result of noise from the proposed development. The proposal would accord with Policy D02 of the MWJP, Policy E2 of the Hambleton Local Plan, National

Planning Policy for Waste (NPPW) and Planning Practice Guidance (PPG) Noise in that the proposal, subject to conditions, would not have an unacceptable impact on residential amenity, the amenities of the area and the amenities of footpath users through noise.

- 10.21. On the basis that such mitigation and controls are capable of being secured by the imposition of the proposed conditions in regard to noise limits and hours of operation, it is considered that, the proposed development would not result in adverse noise impacts upon any local residential property and/or noise sensitive receptor, therefore according with the policies of the development plan as set out above.

Air Quality, Dust and Odour

- 10.22. Chapter 9 of the ES considers the potential air quality and dust impacts of the proposal. The applicant's assessment has focused on dust from the infilling operations and the wider site as a whole, including landscaping and the transport of materials (via HGV). The ES includes a Dust Assessment considering the potential impact of the proposed infilling on five existing sensitive receptors within 400m of the mineral extension, namely Gebdykes Farm, High Burton Bungalow, Watlass Moor Cottages, Snape Lodge Cottages and Snape Lodge Farm and including PROW footpath 10.133/10/1. With regard to the users of the footpath as sensitive receptors, the assessment concludes that they would be exposed to potential air emissions for much shorter periods of time than residential receptors and therefore considered to be of low sensitivity.
- 10.23. The relevant Development Plan policies are Policy D02 of the MWJP, which seeks to safeguard communities and residents from unacceptable impacts in regard to dust, and Hambleton Local Plan Policies E2 and RM4 which seek to ensure proposals do not have a significant adverse impact on the amenity of neighbours.
- 10.24. The applicant's Dust Assessment considers the site and surrounding area and existing air quality and the effect of meteorological conditions. The assessment identifies the potential sources of dust, considers the emission magnitude, evaluates risk and sets out the proposed prevention and control mitigation measures. It notes that dust can be generated from the movement of waste around the site and from earthwork operations, such as restoration. The information submitted in respect to potential detrimental impact upon air quality and, in particular, dust, is considered to be both adequate and sufficient upon which to determine the planning application and due regard has been had to policies E2 and RM4 of the Hambleton Local Plan and national planning guidance relevant to air quality and waste-related development proposals.
- 10.25. The assessment concludes that the proposed infilling at Gebdykes Quarry (cumulatively with the mineral operations), would not generate unacceptable levels of dust or lead to an unacceptable risk from air pollution to the nearest sensitive receptors or environment. The assessment also concludes that the proposal would not exceed the UK National Air Quality Objectives or the Institute of Air Quality Management guidance within its 'Assessment of Mineral Dust Impacts for Planning' and therefore there are no material reasons in relation to air quality why the proposed infilling should not proceed.

- 10.26. The proposed working areas for mineral extraction and landfilling would be operated in accordance with the dust control measures currently employed at the site and the mitigation set out through the proposed dust mitigation (proposed conditions 13 and 14 in the recommendation below). As part of a recent planning permission for an extension of the quarry for mineral extraction, (ref C6/21/02662/CMA NYCC ref NY/2021/0124/ENV) granted 4 March 2022), an updated Dust Management Plan for the control of dust at the site was approved. To date, there have been no issues in regard to dust generated by the mineral extraction operations and no issues have been stated in any consultation response or representation from members of the public in regard to dust, and no complaints have been received. Subject to the proposed conditions, it is considered that there would be no significant adverse impact on the amenity of the nearest residential properties or users of the public right of way from dust and the proposal would accord with policies E2 and RM4 of the Hambleton Local Plan.
- 10.27. With regard to the impacts on local air quality from traffic emissions, the applicant's assessment notes that whilst there would be an increase in vehicle movements, these would not be of a scale that would necessitate a vehicles emissions assessment and the level of vehicle movements is not considered to be significant in terms of the air quality impact. The EHO's have not raised any concerns regarding air quality impacts associated with vehicle movements. For these reasons, it is considered that the development would not have an unacceptable impact on local amenity and is consistent with the PPG for Air Quality as the proposed development lies within an acceptable location and would not have any likely negative effects on health, living conditions or the natural environment. Therefore, this proposal is also considered to be in compliance with policies E2 and RM4 of the Hambleton Local Plan in regard to air quality as the proposal has submitted an Air Quality Assessment which outlines mitigation measures. The proposal is also in compliance with Policy D02 of the MWJP in regard to local amenity.
- 10.28. It is therefore considered that the potential impacts of dust associated with the proposal could be controlled through proposed conditions 13 and 14 (provided in the recommendation below). Any likely impact of dust upon any local receptors or upon the local environment, to which the infilling of the existing quarry void at this site may give rise, are not considered to be so significantly above those previously considered as part of the recent planning permission for mineral extraction. Therefore, the proposed development is considered to be consistent with the principles of the NPPF paragraphs 174 (e) and 185 in relation to ensuring unavoidable dust is controlled. As above, the proposal would also be consistent with the Minerals and Waste Joint Plan Policy D02 in regard to Local Amenity and Cumulative Impacts. The development would also be in compliance with policies E2 and RM4 of the Hambleton Local Plan, which seek to ensure that there would be no significant effect upon amenity arising from developments.

#### Landscape and visual impact

- 10.29. Chapter 6 of the ES assesses the effects of the proposal on the landscape character and landscape resource, and on the visual amenity of the site and surrounding area. The site sits within a Magnesian Limestone Ridge Landscape Character Area. The wider site is an active magnesian limestone quarry that has been present within the landscape for many decades and is subject to restoration and aftercare requirements. The predominant landscape character of the area is agricultural with dispersed small and medium sized woodlands. The ES concludes that the development would not be significant due to the partial alteration of the landscape

baseline that would be perceived at the scale of the immediate setting of the site, notwithstanding the long-term duration of the operations. The site boundaries of woodland, hedgerows and trees would be retained, and the restoration scheme would be progressive, restoring the landfill to agricultural fields divided by hedgerows, with a magnesian limestone grassland field in the west and woodland and scrub planting along the perimeters. The restoration of the northern area of the existing quarry would remain as low-lying agricultural fields divided by hedgerows with rock faces and slopes of magnesian limestone grassland and scree at the perimeters.

- 10.30. With reference to Policy D06 of the MWJP (Landscape), the applicant's assessment demonstrates that there would be no significant effects on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. The site is circa 2.8 kilometres east of the Nidderdale AONB and the intervening landscape would mean that there would be no effects on the AONB. The restoration proposals would result in beneficial effects and landscape enhancement.
- 10.31. The applicant's assessment advises the main mitigation measure required for the proposed infilling at Gebdykes Quarry is the progressive restoration. The final restoration of the void would restore the site to agricultural fields divided by hedgerows, with a magnesian limestone grassland field in the west and woodland and scrub planting to the perimeters. The restoration of the northern area of the existing quarry would remain as lowlying agricultural fields divided by hedgerows with rock faces and slopes of magnesian limestone grassland and scree at the perimeters.
- 10.32. With regard to cumulative effects, the assessment concludes that it is anticipated that cumulative effects would be minimal and not significant as both the existing quarry and the northern mineral extraction extension area are very well screened from the surrounding receptors. The progressive restoration would also minimise any effects here further.
- 10.33. With regard to the potential visual effect of the proposed development on current views in proximity to the site, the assessment states that none of the visual receptors within the local area would experience significant effects. The existing woodland screening belts would screen all but the final operations at the upper levels of each phase and restoring the soil cover, with the exception of possible glimpses of landfill operations from gateways as drivers pass the site on the adjacent roads, where there are currently glimpses of the existing quarry. Masham is the closest settlement, which would not be affected by the development.
- 10.34. Of the residents of individual and small groups of properties within the Zone of Theoretical Visibility (ZTV), only the residents of Gebdykes Farm, Dales View and East Gebdykes Farm would experience some limited views of the site, mainly of operations to fill the upper levels and restore soils on the completed phases. This would also be the case for the users of the roads running along the site boundaries and public footpath no. 10.133/10/1 that runs south from Gebdykes Farm.
- 10.35. The overall conclusion is that the landscape and visual effects resulting from the proposal would not be significant due to the site not being widely visible from the surrounding area. The progressive restoration scheme would result in net beneficial landscape and visual effects once the vegetation establishes.
- 10.36. The relevant *Development Plan* policies against which to assess the proposed development's effects associated with potential significant adverse landscape and visual impacts include MWJP Policies D02 (local amenity), D06 (landscape), D07 (biodiversity) and D11 (sustainable design). The Policies have the aims of

safeguarding communities from visual intrusion, cumulative impacts, public rights of way impacts, protecting from unacceptable impacts on biodiversity or geodiversity and developments design is acceptable in the context of its location. These policies indicate that all landscapes will be protected from the harmful effects of development and proposals would not be permitted where it is demonstrated that there would be an unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures.

- 10.37. Hambleton Local Plan policies S5 (Development in the Countryside); E1 (Design) E3 (The Natural Environment); E7 (Hambleton's Landscapes) and IC2 (Transport and Accessibility) are relevant. The aims of these policies are to protect features which contribute to the character of the area. This includes views and vistas, public rights of way and the natural environment. The policies aim to protect and enhance features of ecological and geological interest and provide bio-diversity net gains.
- 10.38. The NPPF seeks to ensure that developments are sympathetic to local character, including the surrounding built environment, historic environment and landscape setting. Furthermore, the NPPF indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. This is further supported by NPPF Paragraph 174, which requires planning authorities to make decisions, which contribute to and enhance the natural and local environment by protecting landscapes, recognising the character of the countryside, minimising impacts on biodiversity, preventing pollution and remediating despoiled land. The NPPF requires planning decisions to aim to conserve and enhance the natural environment.
- 10.39. It is considered that the application would not have a significant impact on the landscape character or any biodiversity due to existing screening of the site and through the proposed mitigation measures and the long-term Landscape and Biodiversity Restoration Landscape Management Plan which will result in no loss in biodiversity in the area. It is therefore considered the proposed development is in compliance with Hambleton Local Plan policies S5, E3, E7 and IC2 and in compliance of the MWJP Policy D06.
- 10.40. With regards to public rights of way, Hambleton Policy IC2 states that development which impacts on public rights of way would only be permitted where their amenity value would be protected or they would be satisfactorily diverted, with a good level of amenity maintained. The public right of way would not be directly impacted by the development in terms of encroachment; however, there may be minimal impact from noise and dust, which could affect the amenities of users. As above, however, it is considered that users of the footpath would only be subjected to potential noise and dust for a temporary period while passing certain areas of the site and therefore any impacts are considered of low sensitivity. Further to this, the Public Rights of Way Team have raised no objection to the proposed development. Therefore, it is considered that the proposal is in compliance with Hambleton Local Plan Policy IC2 and MWJP Policy D02 as it would not have an unacceptable impact on users of the public rights of way network.
- 10.41. The Landscape Officer initially confirmed general agreement with the scope and overall conclusions of the Landscape and Visual Impact Assessment (LVIA); that the site is not widely visible from the surrounding area and that restoration would result in beneficial landscape and visual effects. Furthermore, they would generally support the principle of progressive restoration set out in the submitted phasing plans and overall restoration scheme. However, they noted the plans suggest some advanced landscape works may be possible, which might be capable of providing overall

benefit in reducing or offsetting some of the local adverse effects identified and thus recommended further information be requested.

- 10.42. Following the submission of a number of amended plans to address these comments, the Officer confirmed they are satisfied the amended plans provide greater clarity and raised no objection to the scheme, subject to the imposition of landscape conditions to ensure the delivery of the proposed landscaping scheme. It is considered that the amendments proposed by the applicant would give a more natural appearance to the restored quarry, while still providing land which can be used for agricultural purposes. It is therefore, considered that the proposal would not have any significant impact on the surrounding landscape and would result in an improved landform to restoring the quarry in accordance with Policy D06 of the MWJP.
- 10.43. The proposal is located within an established quarry. It is considered that the proposed infilling would not be significant, and the mitigation proposed during infilling operations and the benefits of the restoration show, overall, the proposal would have a positive impact on the landscape of the area. Part of the quarry would be restored to higher levels and would bring the land back into a more productive use with ecological benefits. The impacts of the proposed development are considered to be capable of being adequately mitigated by the measures proposed which can be controlled by planning conditions. This is further supported through the proposed Section 106 legal agreement, providing the mechanism to address the concerns from consultees in regard to long-term management. It is therefore considered that the development would not have an unacceptable or harmful impact on the landscape character of the area. It is considered the proposed development is consistent with paragraphs 174 and 180 of the NPPF and the PPG on Natural Environment. In terms of policy compliance, it is considered that the proposed Landscape and Biodiversity Restoration Landscape Management Plan would protect the environment and those living within the vicinity of the site from potential landscape and visual impacts and therefore is in compliance with Hambleton Local Plan policies S5, E3, E7 and IC2 and policies D02, D06, D07 and D11 of the MWJP.

Soils and agricultural land use

- 10.44. The proposal is located within an existing quarry from where soils were initially stripped to facilitate mineral extraction. The applicant has advised that there are insufficient soils or other soil-making materials to properly restore the former mineral extraction area to a suitable after use. The proposal to import inert waste materials and raise the levels of the land would facilitate a better restoration level and facilitate a more productive afteruse. It is considered that the proposed management of the soils as part of the extraction of minerals in the extension area recently granted planning permission, which would be retained for restoration, along with the main mitigation measure of phased working demonstrates good practice, by minimising damage to soils through adopting good practice in handling, storage, replacement and aftercare would ensure that restoration is to the highest standard possible (proposed conditions 8 and 9 and the Section 106 Legal Agreement, in the recommendation below).
- 10.45. Policy D10 of the MWJP supports proposals where it can be demonstrated they can be carried out to high standards, and, where appropriate to the scale and location of the development, meet a number of criterion, including, (for the purposes of this application), the potential for the restoration and after use to give rise to positive benefits and minimise overall adverse impacts (criterion iii); make best use of onsite materials and only rely on imported materials where it is essential to deliver a high standard of reclamation (criterion v); provide for a longer term management and aftercare of the restoration for a period of 5 years (criterion vii). Part 2 of the Policy

supports proposals which would deliver a more targeted approach to minerals site restoration and afteruse by contributing to objectives, appropriate to the nature, scale and location of the site subject to a number of criterion, including, where relevant (for the purpose of this application) prioritising the protection and enhancement of soils and the long term potential to create areas of best and most versatile land during reclamation of the site (criterion i). The proposal is to restore the former mineral extraction area to adjoining land levels to a higher quality and diversity of uses than would otherwise be achievable with available materials currently on the site. The means of achieving this would not have an unacceptable impact and would result in a beneficial landform, use of soils and after use to a mix of planting and agricultural use that could be delivered and controlled by condition thereby complying with the criterion of MWJP Policy D10 referred to above.

Habitats, nature conservation and protected species

- 10.46. Chapter 7 of the ES assesses the ecological impacts of the development and is accompanied by surveys of protected species. The ES includes an assessment of the effects of the proposed development in respect to flora and fauna and their conservation and enhancement. The assessment acknowledges the importance of protected species, their habitat and their sensitivity. The ES has used this as a basis for assessment of the impact of magnitude as well as extent, duration, reversibility, timing and frequency of the effects of the proposed development.
- 10.47. An assessment of the potential impacts of the proposal on bats, birds, great-crested newts and badgers has been undertaken. The assessment concludes the proposal could result in the loss of new badger setts and the loss of badger commuting and foraging areas; impacts to foraging bats via loss and disturbance of foraging habitat; and minor disturbance to nesting birds (general assemblage), through loss of nesting and foraging habitat. In terms of cumulative impacts with regard to the search area, which includes Marfield Quarry and Nosterfield Quarry, the continued operations of these quarries is anticipated to have localised non-significant effects on the ecological resource of the area. In the longer term, the restoration proposals would result in a likely enhancement of ecological resources.
- 10.48. The ES further states that the void filling at Gebdykes Quarry would result in disturbance/displacement of certain ecological receptor. However, the proposed mitigation and restoration, would in the long term have a neutral to positive effect on all key receptors. It is, therefore, anticipated that any adverse effects would likely be not significant, either individually or when all sites are considered cumulatively. Mitigation and habitat enhancement measures would provide an increase in habitats, foraging and commuting resources and connectivity on site, extending to the wider area in the longer term. Therefore, no adverse cumulative effects are anticipated.
- 10.49. The applicant within the ES has identified an appropriate mitigation strategy during the construction, operational, and restoration phases. These include conducting presence/checking surveys prior to works commencement. The aims of the mitigation measures include preventing harm to woodland habitats, retaining peripheral hedge lines with mature trees, retaining badger foraging and badger sett creation habitat, retaining important bat foraging habitat, retaining waterbodies on site for the use of great crested newts and promote biodiversity. There is also a proposed condition (number 6 in the recommendation below) which requires the submission of a



Construction Environmental Management Plan to include a programme of protected species surveys for the duration of the development, as requested by the Ecology Officer.

- 10.50. Hambleton Local Plan policies S5, E3 and E7 all seek to protect the natural environment and require proposals to protect and enhance features of an ecological and geological interest. Policy E3 specifically requires all development to demonstrate net gain for biodiversity. In this instance, it is considered that the assessment of the site has shown that significant harm to protected species can be avoided through a mitigation strategy and there would be ecological net gain through the restoration of the site; it is therefore considered the proposal complies with this policy. In this instance, it is considered that the application would not result in the loss of biodiversity or any species of importance.
- 10.51. Whilst the site has some nature conservation interest, the proposed mitigation, restoration and aftercare, which can be secured through planning conditions and a S106 legal agreement to provide for a 30-year long term management, would safeguard and enhance the nature conservation opportunities on the site and would ensure proposals do not give rise to unacceptable environmental impacts. This proposal is also considered to comply with Policy D07 of the Minerals and Waste Joint Plan.
- 10.52. A number of parties were consulted with regard to nature conservation, including the the Ecology Officer, Natural England and the Yorkshire Wildlife Trust. The Yorkshire Wildlife Trust have not responded at the time of writing this report. Natural England have not raised an objection to the proposal but have provided standard guidelines for consideration.
- 10.53. The Ecology Officer advised they are satisfied that the assessments have been undertaken in accordance with the current CIEEM guidelines and that the relevant ecological features have been assessed. They are supportive of the recommendation to secure a Construction Environmental Management Plan (CEMP) by condition to include measures to avoid impacts upon ecological features including habitats and species, during site preparation and operation of the quarry. This should include precautionary working methods for great crested newts, timing of works to protect nesting birds etc. In relation to the restoration, they are supportive of the restoration principle for the site, affirming that it incorporates habitats that are appropriate to the local area and in combination with the areas of retained habitat, will provide a good network of valuable habitat for a range of species.
- 10.54. The Ecology Officer advised the cumulative impacts with the recently granted minerals extension permission should be assessed and, further clarification and/or discussion should be had with regard to the overlap of the two restoration schemes for minerals and landfilling operations. Following discussions on 9 August 2022. The Ecology Officer subsequently confirmed, that having reviewed the information they are satisfied that there is no conflict between the terms of the minerals permission and this proposed development with regards to achieving restoration for nature conservation and with regard to Biodiversity Net Gain; of which the proposal

demonstrates that a 23.10% net gain can be achieved. The condition to secure the LBRMP as discussed above would still be required, but there are no further ecological concerns.

- 10.55. As already explained above, the Ecologist confirmed the need to secure the long-term management and monitoring of the site for a period not less than 30 years. This would be secured through the proposed S106 Agreement. This is to also include detailed monitoring and management plans and the Ecologist recommends that these are submitted on a 5 year rolling basis to take account of future variables and to respond to the outcome of monitoring. These detailed plans would be based on the overarching Landscape, Biodiversity and Restoration Management Plan, but would include specific annual management actions and report on monitoring within that period under the provisions of the Section 106 Legal Agreement.
- 10.56. The proposal is considered to be in compliance with the MWJP Policy D07 in regard to Biodiversity and Geodiversity and the ES concludes that the restored quarry will achieve no net loss of biodiversity interest, with a reasonable expectation of a 23.10% net biodiversity gain, as identified via the DEFRA Offsetting Metric 2.0, including an overall restoration scheme that would potentially provide a very high conservation interest.
- 10.57. Provided the mitigation measures put forward by the applicant are implemented and maintained during the course of the development, it is considered that the proposed development would overall have a positive impact on biodiversity and habitats after restoration by the creation of a combination of woodland, hedges, calcareous grassland, agricultural grassland which would recreate priority habitats, ecological networks and provide for the protection and recovery of priority species populations. These benefits would be fulfilled through the progressive restoration and on completion of the restoration on the site. Those effects likely to arise during infilling are considered to be capable of being controlled by the use of appropriately worded planning conditions as explained above. With these considerations taken into account, the proposed development is not considered to conflict with MWJP Policy D07. It is considered that the development would safeguard protected species, and, in the longer term, restoration has the potential to enhance biodiversity in the area. It is therefore considered that the development would be consistent with the NPPF and Planning Practice Guidance for the natural environment and would comply with Hambleton Local Plan policies S5, E3 and E7.

#### Restoration and Aftercare

- 10.58. The ES gives an outline of the restoration and aftercare, and this is built upon by the Landscape and Biodiversity Restoration Landscape Management Plan for the infilling proposal. The approved Restoration Plan for Gebdykes Quarry is 'Final Restoration Layout, drawing no. GK.GQ6', dated January 1999. Restoration features on the approved plan include agricultural land, tree and hedge planting, ash shrub, woodland, ruderal calcicolous flora and a balancing pond. However, since this plan was approved, it has been found that the amount of mineral waste produced from the quarry is less than that initially thought when the plan was prepared.

- 10.59. Restoration of the infilling would be undertaken on a progressive phased basis, and the site would be restored in accordance with the proposed Landscape and Biodiversity Restoration Landscape Management Plan, in conjunction with that approved as part of the planning permission for the northern extension to Gebdykes Quarry (permission reference ref. C6/21/02662/CMA, 4 March 2022).
- 10.60. In regard to biodiversity and nature conservation, it is considered that the proposed development would, once restored, constitute an improvement over and above the existing land levels. It is considered that the proposed new land levels would be acceptable in the location and would therefore be in compliance with Hambleton Local Plan policies S5, E3 and E7 and MWJP Policy D06 as the new land levels would be similar to the pre-mineral working and would be restored to a high standard.
- 10.61. It is also considered appropriate, as explained previously in this report, on top of the statutory five-year aftercare of this site, to secure further long-term management of the restored site for a period of 30 years. The applicant is willing to enter into a S106 planning agreement to secure this. The requirement for a securing the aftercare of the site is in-compliance with Policy D10 of the MWJP, which states that *'proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard, and, where appropriate to the scale and location of the development, have demonstrably... reflected the potential for the proposals restoration and the afteruse would give rise to positive impacts, without negative cumulative impacts.....* The policy also requires progressive, phased restoration where appropriate, allowing for the restoration of the site at the earliest opportunity in accordance with an agreed timescale.
- 10.62. It is considered that the proposed restoration and aftercare scheme for the site is of high quality that would safeguard and add to the biodiversity of the site and add value to the area. The Ecologist advised they are satisfied that the information provided gives a good level of restoration and can be secured through conditions/legal agreement. In addition to this, the Landscape Officer has similarly advised they are satisfied with the proposals.
- 10.63. The proposed restoration and aftercare scheme is therefore considered to be in compliance with the MWJP Policy D01, presumption in favour of sustainable development, D06 Landscape and D10 in regard to Reclamation and Afteruse as the intended use is agriculture and nature conservation which would be the best practicable use of the land, the long-term management of which could be secured through a S106 planning agreement. This is considered to be consistent with the principles of the NPPF which seeks the timely and effective restoration of mineral sites as outlined within Paragraph 211(e) of the NPPF. Therefore, it is considered that the proposed development is acceptable in principle and would ensure that the final restored land is to an appropriate standard.

#### Highways matters

- 10.64. The ES includes an assessment (Chapter 11) of the potential highway and transportation impacts of the proposal to infill the existing quarry which would be carried out in conjunction with the extraction of minerals as part of an extension to the

quarry (planning permission ref. C6/21/02662/CMA, 4 March 2022). In terms of highway impacts, the importation of inert waste materials would effectively replace HGV movements from the existing aggregate exports from Gebdykes quarry with inert material imports from albeit over an extended period of time between 2023 to 2042.

- 10.65. The proposed infilling operations would facilitate high land level restoration of the quarry and would take place over a 19-year period to 2042, followed by two years of final restoration to 2044. The proposal involves the import of 3.6 million tonnes of inert material over five phases at an overall average rate of approximately 190,000 tonnes per annum (tpa).
- 10.66. The existing B6268 access would remain as the sole vehicular access to the quarry for the export of minerals from the recently approved extension area, the export of screened soils for the purposes of this application and for the import of inert waste materials for restoration purposes. The quarry is anticipated to continue to employ approximately 5 staff through the infilling operations, excluding drivers. In terms of road haulage, the infilling would see a reduction from existing export activity levels to a future average of 68 vehicles per day (34 in & 34 out), with a range across the phases of 60 – 74 vehicles per day. The average activity equates to hourly movements of around 6 vehicles (3 in & 3 out).
- 10.67. The assessment of impacts considered the proposed filling operation both in isolation and as a cumulative impact with the proposed northern extension. For assessment purposes, the routing of imported material on the highway network was taken to be the same as the current export routing, which follows the main highway routes in the area. For the cumulative assessment, it was also considered that the export and import haulage operations would be entirely independent of each other; although there would be some opportunities for back hauling of materials in reality.
- 10.68. Overall, the assessment concluded that the proposed development could be accommodated on the surrounding highway network without significant impacts, and that no mitigation measures are required.
- 10.69. While there are existing wheel washing facilities on the site in the form of a hose used when deemed necessary, the site does benefit from a lengthy access road that is considered to be sufficient enough to ensure that mud/debris is not carried as far as the public highway. The extant planning permissions for the site combine operational controls and mitigation measures including the sheeting of vehicles and the use of the access road in order to ensure that the quarry operations are acceptable in terms of highways and transport. These controls are proposed under conditions 16, 17, 18 and 19 (in the recommendation below). Furthermore there are no objections from the Parish Councils or local residents on highways grounds.
- 10.70. The Highway Authority stated that the application on its own merits has the support of the Highway Authority and agrees that the application would not have a greater impact than the existing permission. Whilst back filling of lorries has been briefly discussed in the assessment, it concludes the existing highway network can

accommodate the predicted number of HGVs associated with the infilling proposals. Nevertheless, the Highway Authority would like *'to see a firm commitment from the developer to numbers of vehicles being used in this way [i.e. back-filling] and suggests a framework where numbers could be identified and increase to 25% of the total volume of traffic at the two site over a number of years allowing the developer to increase flows allowing funds to be generated.'* The Highway Authority has also requested conditions be attached to any grant of planning permission, which relate to maintaining the access in a good state of repair; and the submission of a construction management plan.

- 10.71. The relevant policies in regard to highway matters are MWJP Policy D03, and Hambleton Local Plan Policy IC2. MWJP Policy D03 supports proposals where road transport is necessary, providing there is capacity within the existing highway network for the level of traffic proposed, and the nature, volume and routing of vehicles would not have an unacceptable impact on local communities and other users of the highway network; access arrangements are appropriate to the predicted levels of vehicle movements; and there is adequate on-site manoeuvring, parking and loading/unloading space.
- 10.72. The applicant has advised there would be a potential for the backhauling of fill material, i.e., HGVs leaving loaded with aggregate and returning loaded with inert waste fill material thereby achieving the proposed restoration levels without any additional movements beyond those for the export of aggregates; this would be the most effective cost-effective approach and would be adopted wherever possible. However, the applicant has further advised that such a working method cannot be guaranteed due to the varying origins of fill material and destinations of aggregates and consequently the requested 25% commitment from the Highway Authority cannot be delivered with any certainty. The cumulative assessment is therefore based on the worst-case assumption that import and export operations are independent of each other. To impose a condition requiring a specified percentage of backfill HGV would not meet the tests for planning conditions. Given the existing access and highway are capable of accommodating the proposed increase in HGV movements, the applicant's case for only back-hauling when possible is accepted.
- 10.73. Highway conditions reflecting the existing planning permission for mineral extraction and those imposed on the recently granted planning permission for the extension to the quarry for mineral extraction are proposed (16, 17, 18 and 19 in the recommendation below). These include sole use of the existing access; the maintenance of the access; the need for HGVs to vacate the site in a clean condition to prevent the tracking out of material onto the public highway and for the submission of a construction management plan. This would ensure that the proposed development does not result in any adverse impacts upon the local highway network for the purposes of Policy D03 of the MWJP and would be consistent with the principles of the NPPF Paragraphs 104-106 and 111 in relation to sustainable highway networks which seek to ensure that vehicle movements generated by developments are both capable of being accommodated by, would not have an adverse effect upon the local highway network or prejudice the safety of the highway, adding further weight in support of this application. It is considered that the proposed

development is also in compliance with Hambleton Local Plan Policy IC2 in regard to sustainable development, and that it is considered there is capacity in the highways network for the vehicle movements.

#### Flood risk and drainage

- 10.74. Chapter 8 of the ES focuses on water resources; a Flood Risk Assessment has been carried out. The application site is not within Flood Zone 2 or 3 but is located wholly within Flood Zone 1. The Flood Risk Assessment considers the potential of flooding onsite and how the proposal would contribute to flood risk off site.
- 10.75. The site is located on the Cadeby Formation-Dolostone, which is classified by the Environment Agency (EA) as a principal aquifer. There are three private water supplies within 2km of the site, but which are considered not to be at risk from the proposed development and no significant effects on human health (from potable water) have been identified. The application would include no changes to the drainage and flood risk management around the offices, welfare, mineral processing and stockpiling area and therefore in these locations there would be no increase to flooding to off-site areas. It is proposed that the void would be lined with impermeable materials prior to infilling, creating a 'cell'. Once sufficient inert waste has been brought into the site to achieve the required restoration profile, a 0.5m layer of topsoil, currently stockpiled within the quarry site, would be spread across the landfill cap to return the site back to agricultural use.
- 10.76. The Assessment states that historic groundwater monitoring at Gebdykes Quarry recorded groundwater elevations of between approximately 114mAOD and 105mAOD within the site area. These levels are a minimum of 4 metres below the existing ground levels within the site. Furthermore, the void would be lined with a clay liner prior to infilling works to meet the EA's requirements and which would be done in accordance with either an exemption or permit in accordance with the EA's legislation. This would limit any pathways for groundwater emergence within the landfilling area. Based on the available information, the risk of groundwater flooding at the proposed development is considered to be very low. This risk would reduce further as ground levels are increased during infilling works.
- 10.77. The assessment states that there are few pathways for any surface water flooding generated in off-site areas to enter the site area. Surface water runoff from small area of land adjacent to the western site boundary may potentially flow towards the site, however, it is expected that this would disperse within the area of woodland at the site boundary. Furthermore, based on the size of this area in comparison to the 11.1 hectare site, it is considered that the volume of runoff generated would have minimal impact upon the site.
- 10.78. The EA has raised no objection to the proposal. At the time of writing this report, the Lead Local Flood Authority had not provided a response. Policies D02 (local amenity) and D09 (water environment) of the MWJP seek to safeguard communities from emissions to land and water and states proposals are required to demonstrate no unacceptable impacts to surface and groundwater, taking into account mitigation. These policies indicate that water resources will be protected from the harmful effects

of development and proposals would not be permitted where it is demonstrated that there would be an unacceptable impact on water resources, having taken into account any proposed mitigation measures. Hambleton Local Plan policies RM1, RM2 and RM3 seek to protect water resources, flood risk and water management.

- 10.79. Therefore, it is considered that the proposal would not give rise to any unacceptable adverse impacts upon the water environment and there would be no adverse impacts from the proposed development.
- 10.80. For the reasons detailed above, the proposed development is considered to be consistent with the NPPF Paragraph 167 with regard to flood risk, groundwater and drainage and PPG in regard to flood risk. The proposal is also in compliance with MWJP policies D02 and D09 in regard to the water environment and with Hambleton Local Plan policies RM1, RM2 and RM3 in regard to protection of water resources, flood risk and water management.

#### Climate Change

- 10.81. Chapter 12 of the ES relates to climate change. An impact assessment, considering the likely effects arising from undertaking the proposed development, has been undertaken. The assessment concludes that, overall, the proposal is considered to be compatible with the MWJP Policy W01. The proposed development's absolute emissions with mitigation were modelled to be the same as the baseline emissions. Therefore, the impact was deemed to be negligible, not significant, over the long term. There is the potential for emissions savings from reduced haulage distances for inert waste and the combined distribution of mineral products from the site by back hauling where possible. There would also be improvements to the area as a result of the high-level restoration at the end of the operational period for the landfill site at Gebdykes Quarry. These effects will have beneficial impacts on climate change in the long term.
- 10.82. The assessment concludes that it would not be possible to eliminate every risk associated with climate change but through intelligent design, preparation and responsible construction, these risks would be minimised. Embedded mitigation has been included which would reduce the risks in key areas, such as flooding, the health and safety of the users of the proposed development, but the resilience of the proposed development itself. The impact of climate change on the site is neutral, not significant.
- 10.83. There is existing infrastructure on site and, being an existing quarry, this lowers the impact of the development in regard to climate change instead of the requirement for a new site in the area. It is therefore considered the application complies with MWJP Policy D11 which seeks to address the issue of greenhouse gas emissions. The proposal is also considered to be in compliance with Hambleton Local Plan policies S1 (Sustainable development principles), E1 (Design), IC2 (Transport) and RM4 (Air Quality); and is consistent with the NPPF or Planning Practice Guidance for Climate change.

#### Cumulative impacts

10.84. Each chapter of the ES considers the cumulative impacts of the proposal.. In summary, the chapters of the ES conclude that given the location of the site and its distance from other quarries (which are nearing the end of their permitted life), there would be no cumulative or significant impacts from the proposal in terms of impacts on:

- landscape and visual impact
- ecology
- water resource
- air quality
- noise
- traffic
- climate change.

10.85. The proposal would result in an improved restoration of the site to adjoining land levels and create a more diverse environment and ecological habitats in accordance with the proposed Landscape and Biodiversity Restoration Landscape Management Plan. An assessment of the alternatives has been undertaken as part of Chapter 5 – Statement of Community Involvement and Consideration of Alternatives. In terms of alternatives, one is to do nothing. However, this would result in a lower level, poorer restoration of the quarry due to the short fall of suitable restoration materials. It would also result in less provision for the disposal and recycling of construction, demolition and excavation material in the local area leading to a greater number of HGV's travelling longer distances to disposal facilities. The proposal is considered to be a one capable of contributing to landfill provision in the area and capable of achieving a better restoration for the quarry with minimum adverse environmental effects.

#### S106 Legal Agreement

10.86. As discussed earlier in this report, it is proposed that a Section 106 Legal Agreement would be sought to secure a 30-year Landscape and Biodiversity, Restoration and Management Plan.

10.87. The Legal Agreement would require the submission of a detailed restoration and management plan within twelve months of the grant of planning permission, for written approval by the Planning Authority. In addition, the Legal Agreement would seek annual site visits, whereby representatives of the Council responsible for planning, ecology and landscape would review the previous year's restoration and aftercare work and that for the next 12 months. Furthermore, within three months of completion of restoration of the first phase, a review of the management plan shall be submitted to the Planning Authority for approval in writing.

10.88. In years 10, 15, 20 and 25 of the 30-year Landscape and Biodiversity, Restoration and Management Plan, detailed management plans shall be submitted to the Council for their approval which shall:

- a) review the principles of the Landscape and Biodiversity, Restoration and Management Plan to consider if they are still applicable or whether any variation is required;
- b) review any results of land management in the preceding period; and
- c) set out any specific land management for the following period.



### Obligations under the Equality Act 2010

- 10.89. 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.
- 10.90. 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 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.
- 10.91. 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.

### **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The proposal has been assessed against the development plan policies and national policy and guidance. In considering the relationship of the proposals to the 'development plan', it should be noted that proposals must 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. It is also to be born in mind the relative weight to be attached to the policies in the various elements of the 'development plan' relevant to the proposal against that which is laid down within national planning policy (Section 6.0 refers).
- 11.2. The proposed development constitutes a landfilling operation to restore a former mineral working. The proposal does not seek to alter established working practices such as hours of operations and noise and dust management.
- 11.3. Other material considerations that must weighed in the 'planning balance' have been considered in the preceding section of this report such as impacts upon the environment. These, while acknowledging there may be some impacts arising from the proposed development, are not considered to be significantly material so as to outweigh the economic benefits of the proposal. The proposal is considered to be sustainable and there are no reasons justify refusal of the application.
- 11.4. Therefore, there are no material planning considerations to warrant the refusal of this application for the importation of 3.6 million tonnes of inert waste with final restoration together with associated screening and resale of soils and soil-type materials. 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.

## 12.0 **RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to the prior completion of a S106 agreement covering the following matters:  
and the conditions listed below:

### **Recommended conditions:**

#### **Condition 1 Time Limit**

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 Approved Plans**

The development hereby permitted shall be carried out in accordance with the application details dated 14 January 2022 and the following approved documents and drawings and all schemes and programmes approved in accordance with this permission:

<b><u>Ref.</u></b>	<b><u>Date</u></b>	<b><u>Title</u></b>
NT14834/ES	Jan 2022	Environmental Statement
Figure 2.1	July 2021	Site Location Plan
Figure 2.2	July 2021	Application Area
NT14834-002 - Figure 3.1A	Nov 2021	Phase 1
NT14834-003 - Figure 3.2A	Nov 2021	Phase 2
NT14834-004 - Figure 3.3A	Nov 2021	Phase 3
NT14834-005 - Figure 3.4A	Nov 2021	Phase 4
NT14834-006 - Figure 3.5A	Nov 2021	Phase 5
NT14834/Figure 3.6A	Nov 2021	Restoration
NT14834/01A	June 2022	Landfill and northern extension combined restoration plan
NT14834/ 014	Dec 2021	Cross Section
-	Dec 2021	Appendix 3.1 – Landscape Biodiversity and Restoration Management Plan
-	July 2021	Appendix 6.1 – Detailed Assessment of Visual Effects
-	Sept 2021	Appendix 7.1 - Preliminary Ecological Appraisal
	Nov 2020	Appendix 7.3 – Bat Surveys
	Nov 2020	Appendix 7.4 - Breeding Bird Surveys
-	Sept 2021	Appendix 9.2 – Dust Control Measures
-	July 2022	Technical Note – Landscape and Visual

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

#### **Condition 3 Duration of Development**

The permission hereby granted authorises the importation of inert waste only until 31 December 2042. Thereafter the development hereby permitted shall be discontinued and all buildings, plant and machinery shall be removed from the site and the site shall be restored in accordance with the approved plans by 31 December 2044. In

the event the infilling operations fail to achieve the approved restoration levels by 31 December 2042, a revised scheme of restoration and landscaping shall be submitted to the Planning Authority for written approval within three months of 31 December 2042. The approved scheme shall thereafter be implemented in full and completed by 31 December 2044.

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

### Pre-Commencement

#### **Condition 4 Ecology (discharge required)**

Prior to the commencement of development, pre-commencement checks for badgers, breeding birds and reptiles (as referred to in Chapter 7 (Ecology) of the Environmental Impact Assessment) shall be completed to ensure that any presence can be taken into consideration in line with the relevant legislation. These surveys must be undertaken at the appropriate time of year by a suitably qualified ecologist. If species are identified in these checks a report detailing changes in the status of these species and any additional mitigation measures that may be required shall be submitted to the Local Planning Authority for written approval. The approved additional mitigation measures shall thereafter be implemented in full.

*Reason:* This is a pre-commencement condition and one which is considered warranted in the interests of protecting the ecological value of the site.

#### **Condition 5 Dust (discharge required)**

Prior to the commencement of development, a dust management and monitoring plan to prevent or minimise dust arisings from the deposit and processing of waste materials shall be submitted to the Planning Authority for approval in writing. The dust management and monitoring plan shall include details of the monitoring equipment to be used, the location of monitoring equipment, including locations within and on the periphery of the site, details of how dust is to be monitored, the equipment to be used and dust suppression measures to be employed, in each phase of the development to prevent or minimise the emission and migration of dust onto the adjoining land and nearest residential properties:

- the processing of waste materials;
- the deposit and grading of waste materials;
- stockpiled materials;
- all exposed operational areas;
- restoration materials;
- restoration works;

Steps shall be taken to ensure that the site is operated at all times, and in particular during period of high winds, to minimise dust emissions both within the site and migration of dust off the site. Dust control measures to minimise the emission of dust shall include, but not be limited to, the spraying of operational landfill and recycling areas, stockpiles and roadways, including the access to the site.

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

#### **Condition 6 Highways Construction Management Plan (discharge required)**

No phase of the development shall commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Planning Authority. Development of each phase shall thereafter be carried out 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. On site wheel cleaning facilities and measures to ensure that mud and debris is not spread onto the adjacent public highway;
2. the parking of contractors' site operatives and visitor's vehicles;
3. areas for storage of plant and materials used in constructing the development clear of the highway;
4. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
5. details of the routes to be used by HGV traffic and highway condition surveys on these routes;
6. measures to control and monitor site development, material processing and restoration noise;
7. an undertaking that there shall be no burning of materials on site at any time during operations;
8. removal of unsuitable materials from site;
9. details of the measures to be taken for the protection of trees;
10. details of external lighting equipment;
11. details of ditches to be piped during the development of the phase;
12. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

#### Early Stage/ Construction Period

#### **Condition 7 Ecology Construction Environmental Management Plan (discharge required)**

Within three months of the date of this permission a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing in consultation with the Council's advisers on ecology. The CEMP shall include a programme of protected species surveys for the duration of the development. The approved CEMP shall thereafter be implemented in full.

*Reason: In the interests of Ecology.*

#### **Condition 8 Phasing**

The phasing and direction of working and restoration of the development shall be undertaken in accordance with plan refs. NT14834-002 (Phase 1); NT14834-003 (Phase 2); NT14834-004 (Phase 3); NT14834-005 (Phase 4); NT14834-006 (Phase 5); NT14834/Figure 3.6A (Restoration) and NT14834/01A (Landfill and northern extension combined restoration plan).

*Reason: To secure an orderly progression of working.*

**Condition 9 Hours of operation**

There shall be no soil and overburden stripping, no loading/unloading of waste or recycled materials, no HGV's entering or leaving the site except between the hours of:

700 - 1900 hours Monday – Friday  
0700 – 1300 Saturday

There shall be no soil and overburden stripping, no loading/unloading of waste or recycled materials, no HGV's entering or leaving the site on Sundays and Bank (or Public) holidays. This condition shall not apply to emergency works within the quarry/landfilling operations or repairs to plant and machinery.

**Condition 10 Soils**

Topsoil and subsoil mounds existing or created on site that are required to be moved prior to the start of any phase shall only be handled:

- a) during the months April to September inclusive; or
- b) when all soil is in a suitable dry and friable condition that it is not subject to smearing;
- c) when topsoil is sufficiently dry that it can be separated from subsoil without difficulty;
- d) In such a manner that machinery shall be routed to avoid compaction of soils.

Prior to any soils being stripped outside April to September inclusive, the condition of the soils shall first be checked by a suitably qualified person to ensure that the soil is in a suitable dry and friable condition and prior written notification of the stripping of soils shall be submitted to the Planning Authority.

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

**Condition 11 Soils**

No topsoil or subsoil mounds existing on site at the start of this development shall be removed from site. Such materials shall be retained for restoration of the site.

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

**Condition 12 Noise**

Noise from the development authorised by this permission, shall not exceed during day time hours (0700-1900) the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq 1h (free field) when measured at the nearest boundary to the site of the following noise sensitive properties:

- Gebdykes Farm;
- High Burton Bungalow;
- Watlass Moor Cottages;
- Watlass Moor Farm;
- Snape Lodge Farm and Cottages;
- Dales View; and
- East Gebdykes Farm

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

**Condition 13 Noise**

In the event that any noise levels specified in Condition 12 are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps be taken to attenuate the noise level to be in compliance with Condition 12.

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

#### **Condition 14 Noise**

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

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

#### **Condition 15 Dust**

The approved control and monitoring measures shall be implemented and maintained in accordance with the approved scheme. In the event that an assessment of dust emissions and/or the results of formal monitoring indicate that additional control measures are required to minimise emissions, proposals for such measures shall be submitted in writing to the Planning Authority. The measures subsequently approved in writing by the Planning Authority shall be implemented within such period as may be required by the Planning Authority.

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

#### **Condition 16 Pollution**

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 compound 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 interconnected tanks plus 10%. All filling points, vents and gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, 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 17 Highways**

There shall be no access or egress between the highway and the site by any vehicles other than via the existing access off the B6268. The access shall be maintained in good repair either within the site or onto the public road, to allow vehicles to travel in and out of the site in a safe manner.

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

#### **Condition 18 Highways**

All HGVs (as defined by this planning permission) exiting the site shall do so in a clean condition, such that no dirt and/or mud is deposited on the public highway by vehicles travelling from the site.

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

#### **Condition 19 Highways - Sheetting**

All heavy goods vehicles (as defined by this permission) exporting soils or soil making materials from the site shall be securely sheeted or otherwise enclosed in such a manner as to prevent dust blowing from materials and to prevent material being spilled onto the public highway.

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

### **Condition 20 Cessation**

In the event of infilling operations ceasing on the site for a period in excess of 12 months before the completion of the development hereby permitted, a revised scheme of restoration and landscaping shall be submitted to the Planning Authority for written approval forthwith. The approved scheme shall thereafter be implemented in full accordance with a programme to be included in that scheme.

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

### **Condition 21 MOD Safeguarding**

Prior to the commencement of development a management and maintenance schedule to ensure that hazardous bird species are deterred from the site shall be submitted to the Local Planning Authority for approval in writing in consultation with the Ministry of Defence (MOD). The approved management and maintenance schedule shall thereafter be implemented in full throughout the operational life of the site.

*Reason: To limit the potential of the site to attract and support populations of those bird species that may cause detriment to aviation safety.*

### **Condition 22 Withdrawal of PD Rights**

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any other order revoking or re-enacting that order), no fixed plant or buildings shall be erected on the site (except as provided for in the development hereby permitted) without the prior written approval of the Planning Authority.

*Reason: To reserve the rights of control of the Planning Authority.*

### **Condition 23 Decision Record**

A copy of the planning permission and any agreed variations and approved details and schemes and programmes for the purposes of the conditions, together with all the approved plans shall be kept available at the site office at all times and made known and available to managing and supervising staff on the site.

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

### **Informatives**

#### **1. Public Rights of Way**

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

#### **2. Importation of Waste**

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from the Environment Agency. The applicant is advised to contact the Environment Management team on 03708 306 306 or refer to guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>

**3. Badgers**

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 permitted extraction area.

**Target Determination Date: 12 December 2023**

**Case Officer:** Amy Taylor, [amy.taylor@northyorks.gov.uk](mailto:amy.taylor@northyorks.gov.uk)