

North Yorkshire Council
Community Development Services
Strategic Planning Committee

9 JANUARY 2024

C2/22/00251/CCC - A LATERAL EXTENSION TO ALLOW THE EXTRACTION OF AN ADDITIONAL 1 MILLION TONNES OF SAND AND GRAVEL, TOGETHER WITH THE REPHASING OF 471,000 TONNES OF PERMITTED RESERVES, TOGETHER WITH FINAL RESTORATION LAND WEST OF NOSTERFIELD QUARRY, NOSTERFIELD, NORTH YORKSHIRE, DL8 2PD ON BEHALF OF TARMAC TRADING LIMITED

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

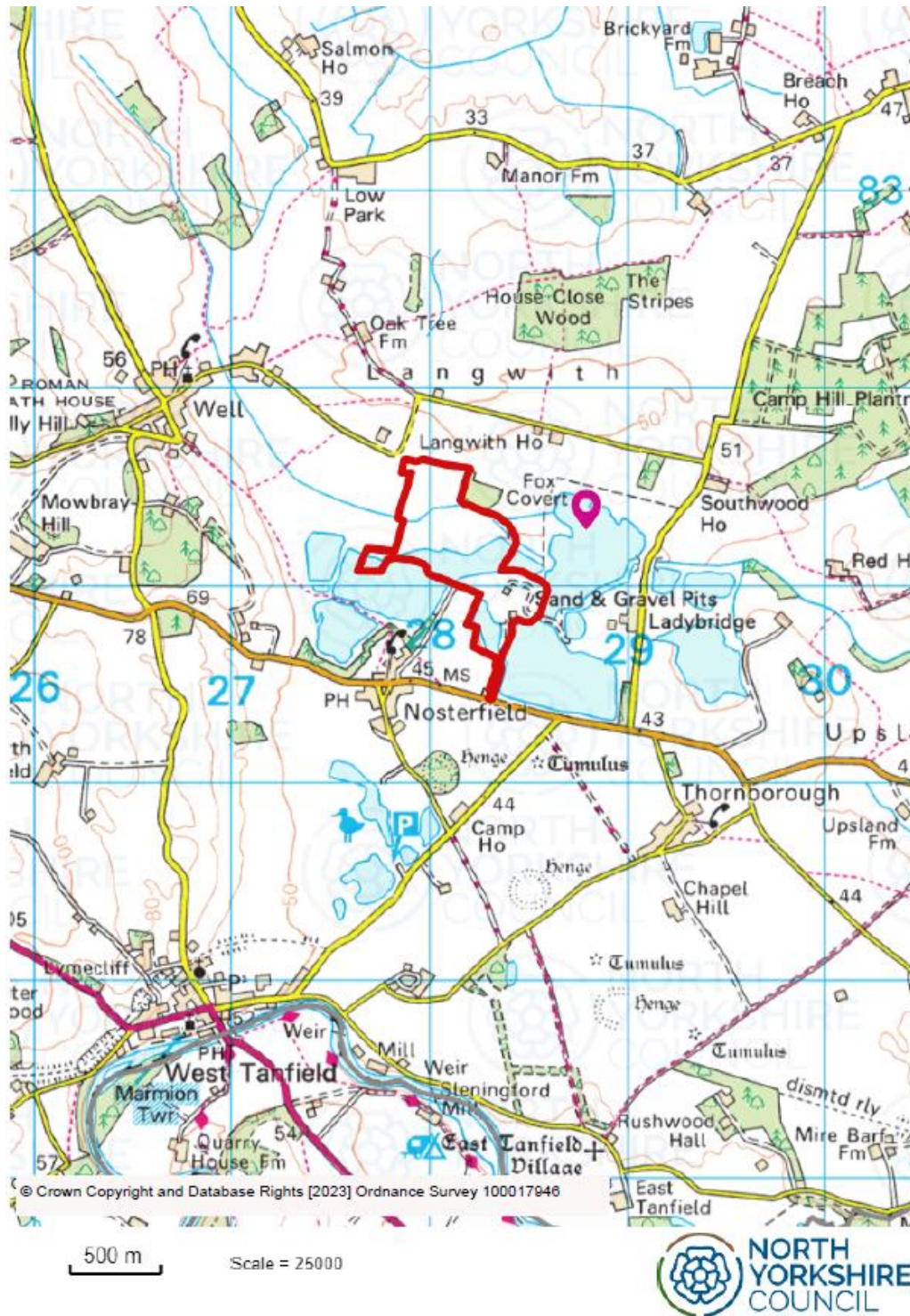
- 1.1 To determine a planning application for a lateral extension to allow the extraction of an additional 1 million tonnes of sand and gravel, together with the rephasing of 471,000 tonnes of permitted reserves, together with final restoration on land west of Nosterfield Quarry, Nosterfield, North Yorkshire, DL8 2PD.
- 1.2 This application is subject to nine objections including Yorkshire Wildlife Trust, RSPB, Lower Ure Conservation Trust and Well Parish Council having been raised on the grounds of insufficient replacement habitat for curlew in the restoration scheme, the impact on Well in terms of views of the lakes and residential amenity and the impact on Ings Goit downstream and is therefore reported to this Committee for determination.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to the prior completion of a S106 legal agreement with terms as detailed in the report and the conditions listed below

- 2.1. This application comprises a proposed extension to the existing Nosterfield Quarry (sand and gravel), along with the final restoration of the site to nature conservation and lakes, with the rephasing of 471,000 tonnes of permitted reserves in the existing plant site and improvements to the restoration of previously worked areas in the Flasks Lake area. The site is located to the north of the village of Nosterfield and the Thornborough Henges and to the east of the village of Well. The new extraction area is currently formed of two agricultural fields to the northwest of the existing quarry, which is 15.88 hectares.
- 2.2. The most pertinent key issues in regard to the application are the impacts of the proposal on the local area including the villages of Well and Nosterfield; issues in regard to the impact on Ings Goit a field drain running through the site and the quality of the restoration of the site with compensatory planting for birds in the area.
- 2.3. The proposal is recommended for approval as is a preferred site in the Minerals and Waste Joint Plan as allocation MJP 007 and it is considered that the issues stated in

the allocation document in regard to it being appropriately located, scaled and designed have been addressed in this application. Overall, it is also considered that the scheme, taken as a whole, is in compliance with the development plan for the area and is considered to contribute significantly to the landbank for sand and gravel; while also providing a restoration scheme and long-term management plan which would significantly enhance the local environment and biodiversity. The proposal is considered to be sustainable, and approval is recommended subject to the prior completion of a S106 legal agreement and conditions to suitably mitigate any effects.



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=11489>
- 3.2. A Variation of condition application has also been submitted which is linked to the proposed development to amend the restoration scheme of the approved Langwith Extension C2/11/02057/FUL, dated 9 December 2016. This has been submitted to integrate the Langwith extension into the current scheme for the Oaklands extension. The reference number for the delegated item is NY/2023/0087/73 and it can be viewed on the online register here:
<https://onlineplanningregister.northyorks.gov.uk/Register/PlanAppDisp.aspx?recno=11836>
- 3.3. The list below includes planning applications relevant to this application:
- Ref. C2/92/500/53 - major extension referred to as the northern extension site comprising an area of 106 hectares including ancillary development proposals for a low profile processing plant and a new vehicular access permitting all lorries exit the quarry and travel direct to the A1, avoiding Nosterfield village - decision date 7th January 1995.
 - Ref. C2/06/01616/CCC - mineral extraction covering an area of 33.6 hectares incorporating three working phases, two phases (Phases 6 and 7) located to the east of Ladybridge Farm and the public highway (Moor Lane) and the remaining phase (Phase 8) to the immediate west of Ladybridge Farm until 31st October 2014 - decision dated 21st November 2008.
 - Ref. C2/11/02057/FUL - an extension of sand and gravel extraction at the site in the area of Langwith House Farm north of the existing plant site and variation to the existing restoration scheme. The application granted permission until 31st May 2024 and included a S106 legal agreement for a long-term management plan and donation of the Thornborough Moor land – decision dated 9th December 2016.

4.0 Site and Surroundings

- 4.1 The proposed Oaklands extension forms part of a larger existing mineral extraction area known as Nosterfield Quarry. The present use of the area subject to this current application is agricultural, the field is approximately 5.41 hectares of grades 1 and 2 BMV land with the other 10.19 ha being Grade 3b non-BMV land,
- 4.2 The existing Nosterfield Quarry site is located on the northern side of the B6267 road and extends northward toward Long Lane with Moor Lane to the east of the quarry site and open agricultural land to the west. In the context of the wider local geographical area and in a clockwise direction, the quarry site lies between Bedale to the north some 7 kilometres distant; Thirsk to the east some 16 kilometres from the site; Ripon to the south some 9 kilometres away; and the settlement of Masham 6 kilometres to the west.

- 4.3 The settlements closest to the application site boundary, using straight line distances and in a clockwise direction: Thornborough village located some 1000 metres to the south-east; West Tanfield lies some 2 kilometres to the south; the village of Nosterfield approximately 450 metres to the south-west; and the village of Well that lies some 850 metres to the west.
- 4.4 In addition to these settlements, a small number of individual properties are also located in the vicinity of the application site. In a clockwise direction, starting due north of the application site boundary, the closest are identified as follows: the property known as Oaklands (again using straight line measurements) is approximately 150 metres north of the extension area, Langwith House Farm and Langwith Farm cottages (no.s 1 & 2) lying some 450 metres to the north; Southwood House is located approximately 1.2 kilometres to the north-east; located some 400 metres from the plant site due east is Ladybridge Farm; the Grange, Grange Cottage and new properties on Meadow View (located north of Thornfield Road) approximately 650 metres to the south-east of the extraction area and 450 west of the site entrance. The closest properties to the west of the site towards Well are: Craigstone lying some 1.05 kilometres to the west of the extraction area and Marwell on Church Street which is 850 metres to the west of the extraction site. This is shown on Appendix A – Committee Plan attached to this report.
- 4.5 The proposed Oaklands extension site has a generally flat topography being situated between the gently rising landform of Upsland Hill to the east and the more steeply rising magnesian limestone escarpment to the west. The proposed extension site forms part of a wider undulating area mainly in use as arable farmland lying on either side of the Ings Goit springfed watercourse.
- 4.6 The wider surrounding rural local landscape setting is one of largely open farmland interspersed with low hedgerows, with occasional smaller copses of trees and larger areas of woodland. To the west of the extraction site, the topography of the land rises significantly with Well village and a number of residential properties being located at a significantly higher level than the location of the quarry looking down towards the site.
- 4.7 Nosterfield Quarry is an existing site with the processing plant already in place, this is located at the centre of the larger quarry site and within the red line area for this application. The processing plant occupies an area of about 7.1 hectares in total. The processing plant is surrounded by an almost continuous six metre high grassed screening bund. The processing plant site comprises a number of elements as follows:
- raw material delivery system;
 - a manufactured gravel washing, crushing and screening plant;
 - a manufactured sand plant;
 - an aggregate blending and delivery system;
 - separate stockpile areas for the gravel and sand extracted minerals; and
 - site offices with adjoining employee and visitor car parking, workshops, weighbridge and sheeting bays and the bunded fuel tanks.
- The processing plant comprises a series of sumps, feed hoppers, crusher and screen houses; and separators connected by inclined conveyors.
- 4.8 All the conveyor systems are either covered or screened to avoid the effects of wind blow. Screen houses are acoustically shielded by external cladding. The plant and conveyors are of a 'low level' design with the highest buildings and screen houses

being no more than 10 metres above ground level. The stockpiled product is limited in height to 6 metres so this does not exceed the height of the screening bund surrounding the processing plant area. The offices and workshops are conventional single storey buildings with the workshops being higher than the office building having a ridge height of 6 metres.

- 4.9 There is an internal haul route within the existing Nosterfield Quarry site that is used by dump trucks, soil handling machinery and equipment, excavating and maintenance vehicles. The application site would be served by the same arrangement with the provision of an internal haul route constructed from suitable materials that are available on site. The internal haul road would be maintained until the site is restored and reinstated. General Heavy Goods Vehicle (from hereon referred to as HGV) and other vehicular access into Nosterfield Quarry would be from the existing entrance some 400 metres east of Nosterfield village via the B6267 public highway. All quarry traffic, except for local deliveries, would be required to turn east away from the village onto the B6267 that provides a direct route to and from the A1 without passing through any local villages.
- 4.10 Within the red line boundary for the application is a Site of Importance for Nature Conservation (SINC) for the Nosterfield Nature Reserve. This is a previously restored area of the quarry which is now managed by the Lower Ure Conservation Trust. The area within the SINC in this application is not to be extracted but to provide additional restoration in this area of the site, to give further nature conservation benefits. There are no other national or local heritage assets or ecological constraints designated within Nosterfield Quarry or the proposed Oaklands extension site. However, there are a number of designated sites within a two kilometre radius of the quarry and application site these are identified as:
- Site of Special Scientific Interest Ripon Parks
 - Local Nature Reserve Nosterfield Quarry
 - Nosterfield Quarry (north & south) & Moor Lane Nature Conservation Area
 - Well Listed Buildings The Freemasons Arms (PH), Camp House, Chapel Row (x2), Manor Farm, Kiln Farmhouse and Village Farmhouse; The Hall, Holly Hill, Church of St. Michael, St. Michaels Cottages and Chapel, Mowbray Hill Farmhouse
 - Scheduled Ancient Monuments Thornborough Henges; East Tanfield, Deserted Medieval Village; Upsland, moated manor site; three round barrows at Three Hills,
 - Camp House, and earth circles, cursus, pit alignments and burial sites near Nosterfield and Thornborough.
- 4.11 There is also the presence of the slightly elevated Howlands Hill landform and the line of the Ings Goit watercourse. There are no other significant, notable or distinguishing landscape features or characteristics within the proposed extension site area.
- 4.12 With regard to the consideration of other potential application site constraints, Nosterfield Quarry and the proposed Oaklands extension application site are located within the 9km Ministry of Defence '*bird strike hazard*' safeguarding area for Leeming Airfield (Topcliffe (approximately 12 km) and Dishforth (approximately 13 km)). The land subject to the application is classified as Grades 1 and 2 BMV land for 5.41 hectares, with no 3a BMV land and the rest is Grade 3b non-BMV land Parts of the application site lie within areas identified by the Environment Agency as Flood Zone 2.

- 4.13 There are no definitive Public Rights of Way (PRoWs) within the proposed extension site or within a radius of 250 metres of the proposed site. There is a PRoW which runs from Nosterfield village to the south, along the current restored area of the quarry west towards Well village, this route then moves north to connect with Long Lane. The route is numbered 10.165/8/1 and is approximately 400 metres from the extraction area when it connects to Long Lane, before this, it is on average around 500 to 600 metres from the application area.

5.0 Description of Proposal

- 5.1. The proposal would provide for a one million tonnes extension to the existing Nosterfield Quarry (sand and gravel), described as the Oaklands Extension and also includes the extraction of the plant site which currently has permission to be worked through the Langwith extension. The site operator is currently working the Langwith extension area which is Phase 11 of the quarry plans which is to be worked until 2023. This proposal would add an additional Phase 12 (Oaklands) and, after this has been worked, the plant site area would also be extracted as Phase 13. The mineral under the plant site already has permission to be extracted under the Langwith extension and this proposal would delay the extraction of this mineral. The Oaklands extension is the final extension at the quarry and, after its completion, minerals working at the site would cease. The mineral working is proposed to be completed by the end of 2031 extending the site's current permission by seven years. The further extraction period required would be seven years with a further year for the completion of restoration at the site. The annual output of the site is predicted to be approximately 250,000 tonnes per year with this decreasing during the decommissioning of the plant.
- 5.2. The application site area is 39.70 hectares, but only 15.88 hectares are undisturbed agricultural fields. The remainder of the site comprises Flask Lake, the access road and the plant site. The proposal for the Oaklands extension is an allocation as a Preferred Area (MJP07) within the Minerals and Waste Joint Plan and is also stated within Policy M07 (Meeting concreting sand and gravel requirement's (part 2)). Nosterfield Quarry an active sand and gravel quarry, which is currently working the previously approved Langwith extension. The proposed application is significantly smaller than the preferred area in the MWJP, which is shown as appendix E attached to this report.
- 5.3. Prior to extraction, soils would be removed and stored as screening bunds and would be used for restoration purposes; mainly to the north and west of the extraction area. The mineral would be extracted in two phases during Phase 12, working westwards, mineral would be extracted underwater by suction dredger. This is where the aggregate is pumped through a floating pipeline to a dewatering wheel located on the shoreline, before being transported dry by conveyor system to the existing processing plant site. Where the dredger is not able to access mineral in deeper workings, this would be completed by a long reach excavator on the bank of the lake.
- 5.4. This application would if approved and implemented push back final phase of the current extant permission for the Langwith extension (Ref. C2/11/02057/FUL), which is currently phase 12 in regard to the plant site. The Oaklands extension area would

become phase 12 and the plant site area and final part of the Oaklands extension area would be phase 13. The processing of the mineral would be completed by the existing processing plant in Phase 12 where it would be washed and separated into different sizes. During Phase 13 the existing processing plant would be dismantled and removed with processing being carried out by mobile plant. Phases 12 and 13 are shown respectively on Appendix B1 and B2 attached to this report. In the event permission is granted for the Oaklands extension, but it is not implemented, the current permission for the extraction of the plant site under the Langwith Permission would continue and the plant site would be extracted and restored under the Langwith consent.

- 5.5. Subject to agreement with the Swale and Ure Internal Drainage board, the Ings Goit large field drain would be removed as this runs through the extraction at Phase 12 west to east. This would, during extraction, run directly into the open excavations formed by minerals extraction as it currently does with the Langwith extension and would discharge out of the site back into Ings Goit on the eastern boundary of the Langwith extension. Water levels would be managed holistically throughout the Nosterfield Quarry site.
- 5.6. The mineral would be processed at the existing plant site and all vehicle movements would use the established quarry access. The hours of working, vehicle numbers and annual output would not be amended from the existing extant permissions which are 0700-1800 hours Mondays to Fridays; and, 0700-1200 hours on Saturdays. No quarrying or associated operations including transport of mineral/waste from the site shall take place on Sundays or Bank and Public Holidays. No transport of mineral shall take place except between the following times: 0630-1800 hours Mondays to Fridays; and 0630-1200 hours on Saturdays, no quarrying or associated operations including transport of mineral/waste from the site shall take place on Sundays or Bank and Public Holidays. HGVs would be sheeted and continue using the current agreed routes. Nosterfield Quarry employs six full time staff members.
- 5.7. The site would be progressively restored to extend the established nature reserve within the existing quarry, with reed beds, seasonally wet fen marshlands. The restoration of the extraction area would eventually form part of the existing main lake on the Nosterfield site, with a reintroduction of a raised landform which would dissect the principal main lake in the quarry extending north of Flask Lane which has previously been removed by quarrying. This would tie in with the raised land at Fox Covert Wood to the north, recreating a feature of the historic landscape which separated wetland areas to the east and west.
- 5.8. An indicative landscape framework for the full Nosterfield site has been prepared. This is shown as Appendix C attached to this report. The framework has the current red line boundary and the Council has received a Section 73 variation of condition application for the Langwith Lake area to amend this area's restoration scheme so the site's restoration can be looked at in a holistic approach. The areas of amended restoration outside the red line boundary would be approved, if deemed to be acceptable, through this separate application with the same indicative landscape

framework approved covering both sites so there is no ambiguity on which scheme is to be followed.

- 5.9. The restoration of the quarry is primarily nature conservation based with the input of the Nosterfield Strategic Management Partnership group which was set up as a requirement of previous permissions at the site. This includes Tarmac, the Lower Ure Conservation Trust (LUCT), English Heritage Trust, the North Yorkshire Council, and the local parish councils and is in place to oversee the management and development of the wider area, the quarry and the Thornborough Henges. After amendments to the application, further consideration was given to priority habitats in the area and enabling public access for specific access to the site. The proposal includes a 5 year statutory requirement of aftercare at the site, but also a 25 year long term management period.
- 5.10. A mixture of dry and wet restoration is proposed which includes:
- A new waterbody (Oaklands Water) – with irregular shorelines and gradient variations to maximise the variety of aquatic and marginal habitats. Planted with marginal fen type vegetation.
 - Creation of aquatic marginal and fen type vegetation – created around the perimeter of proposed waterbodies with species mixes developed by the LUCT, which would gradually colonise the shallower areas of water. In the eastern part of Flask Lake a large area of this fen type vegetation would be created.
 - Species rich grasslands – created across the restored site to provide nature conservation benefits, with nectar producing herbs and a wide variety of diversity based on soil conditions in each area. A number of wader scrapes would be created within the grassland.
 - Hedgerows with trees – native hedgerows to be planted with a diverse range of species including berry bearing shrubs for wildlife benefit, acting as compensation for hedgerow removal. A number of hedgerow trees would also be provided.
- 5.11. The indicative landscape framework looks to divide the western half of the quarry into an area with open grassland and fewer trees, which is good for loafing curlews and other priority nesting birds. While the eastern half of the quarry (mainly outside the red line of this application) has more woodland around the existing lakes to enhance the landscape views and increase the variety of habitats. A key feature of the restoration is the number of wet habitats which would be created with pipelines or ditched installed between the various lakes to control the water flow on the site; the locations of which are shown on the restoration framework.
- 5.12. The Visitor Centre currently in place would be retained on site during the full operational period and throughout the long term management period. Further footpaths from the Visitor Centre creating a circular route have been included with viewpoints and signs for interpretation proposed, while also keeping key wildlife areas from being disturbed. Due to the proximity of the site to RAF Leeming, a bird hazard management plan is provided with the application.

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:
- The extant Hambleton Local Plan (adopted 2022)
 - The extant North Yorkshire Minerals and Waste Joint Plan (MWJP) (adopted 2022)

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2023
 - National Planning Practice Guidance

7.0 **Consultation Responses**

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

Parish Council:

- 7.2 **Carthorpe Parish Council** – States they support the view referencing the non-completion of reinstatement works to date and the resultant requirement to ensure this is adequately completed in the future.
- 7.3 **Tanfield Parish Council** – Responded stating the Parish Council would like to see measures being taken to ensure erosion does not take place on the western side of the lake, due to the removal of gravel up to the edge of the adjoining land.
- 7.4 **Well Parish Council** – The Parish object to the proposal stating it is closer to the village, it further impacts the landscape, character and appearance of the area and Conservation Area. Stating it would be detrimental in regard to increased noise, dust and light pollution. A response was received stating that the works in terms of residential amenity are at an unacceptably close distance to Oaklands Bungalow on Long Lane, requesting more mitigation in regard to this. The Parish, in regard to water management, state they are concerned regarding the management of water supplies through the site. Well Parish Council in a further consultation response also state that control measures need to be introduced on the west side of Oaklands Water, with a 30 metre boundary with the agricultural land to avoid erosion. The Parish also asks questions regarding the visitor parking and public footpaths stating if the scheme would bring more visitors and the control measures of the public footpaths.

Ward Member:

7.5 **NYC Councillor John Weighell** – Has made no comments in regard to the application.

7.6 **NYC Councillor David Webster** - Has made no comments in regard to the application.

Statutory and Non-Statutory Consultees:

7.7 **Highway Authority** – Responded stating the quarry has been operational for more than 20 years and due to the local road network capacity, the impact of the quarry's vehicles is considered not to be severe and no capacity issues are identified. Therefore the Highway Authority has no objections.

7.8 **Natural England** – A response was received stating no objection to the proposed development and gives standard guidance in regard to soils land quality and reclamation.

7.9 **The Lead Local Flood Authority (SuDS)** – A response was received stating that the documents in relation to flood risk are noted and the information provided satisfies the requirement of handling a flood event with a return period of 1 in 100-years and 30% climate change adjustment, confirms there would be no dewatering at the site, provides an outline management plan and information on the maintenance of the outlet weir. Therefore has no objections.

7.10 **Environment Agency York** – A response was received stating no objection to the proposed development subject to a condition regarding a scheme for the storage of chemicals, fuel, other hazardous materials, wheel washing facilities and a scheme for water monitoring. The consultee also states that the proposed development should be carried out in accordance with the flood risk assessment and request that biodiversity is maximised on the site. The consultee also requests that an impoundment licence for Ings Goit and amendments to the Environmental Permit would be required. A further response was received stating no objections.

7.11 **Ministry of Defence Safeguarding Organisation** – A response stated that the application site is within the statutory safeguarding zones around RAF Leeming and RAF Topcliffe. The proposed development occupies the statutory height and would not impede navigational aids and transmitters. In regard to bird strike, this is the principal concern of the Ministry of Defence (MOD). The previous application at the quarry included a Bird Management Strategy through a S106 legal agreement and would also be required to secure the implementation of an updated Bird Hazard Management Plan (BHMP) for this proposed application. The consultee states it is acknowledged that the restoration has been designed to be unattractive to bird species that can be hazardous to aircraft and the MOD requires a BHMP that includes removing the Flask Lake island, bird strike risk, monitoring, active management, liaison protocol and habitat details. The MOD states that subject to a detailed Bird Hazard Management Plan (BHMP) secured by legal agreement, the MOD would have no objections to the proposed development.

7.12 **Historic England** – A response stated the Thornborough landscape is recognised as one of pre-eminent Neolithic and Bronze age landscapes in England. The scheme has been reduced in size since the EIA Scoping Stage and this would reduce the harm of the proposed development on designated and undesignated heritage assets, along with its cumulative impact. The supporting documentation makes it clear that the proposed area of extraction and restoration that was originally proposed and much of the land which was the concern to the consultee is now outside the red line

boundary for the application and will not be affected by the proposal. The application meets the requirements of the NPPF in particular 194 and 211, with no objections to the application on heritage grounds. The consultee also states the archaeological strategy is entirely appropriate to the proposal and is in line with the MWJP and NPPF and therefore Historic England has no objection to the application on heritage grounds.

- 7.13 **Swale & Ure Drainage Board** – A response stated the new phases go through the current route of Ings Goit the chosen board maintained watercourse, the proposed hydraulic structure system would require consent from the board. The Board had concerns regarding the long term management of the water control structures to meet the demands of the environment, agriculture, flood risk and health and safety. After a meeting with the applicant, these concerns were satisfied with the requirement for the management and maintenance of the water control structures being included within the detailed landscape and biodiversity management and maintenance plan secured through the S106 agreement. It was also agreed that the Board, as a public flood risk authority, would have day to day jurisdiction involving the water control structures within the site, subject to the Swale and Ure Drainage Board approval and the agreement with the applicant which would be completed outside the planning process.
- 7.14 **Yorkshire Wildlife Trust** – A response was received objecting to the proposed development. The Yorkshire Wildlife Trust (YWT) are happy that engagement with the Lower Ure Conservation Trust (LUCT) has taken place and an outline landscape and biodiversity management and maintenance plan (OLBMMP) has been provided; however, they would like to see more detailed restoration proposals as the Indicative Landscape Framework and OLBMMP are very high level but do support a framework which allows further habitat creation opportunities in the future. The main concern of the consultee is wet grassland habitat, which is critical to the restoration for curlew due to the loss of foraging habitat with the additional waterbody. The consultee stated MWJP Policy D10 in regard to reclamation and afteruse and that the proposal falls short on the creation of wet grassland and species-rich fen habitat in the Swale and Ure Valleys and that the restoration plan should be updated to include significant areas of this. The consultee states that if the proposal is approved despite their concerns a detailed restoration plan is conditioned and therefore opened to consultation and scrutiny.

The consultee requests that further links are required in terms of the ecology and hydrology of the site. They request the Council to engage a hydrological specialist in reviewing the application to make sure that the water control structures are fit for purpose and would provide fine control for the long term water management of the site.

The YWT also request that the footpaths and education centres do not compromise the ability of habitats to support key species and that quiet areas for habitat are maintained. The consultee gives specific omissions and inaccuracies which need to be addressed in regard to European eels, shading of a table of effects, terminology in regard to tables in the ES chapter. Long term management is required to be for 30 years in line with Biodiversity Net Gain (BNG), with sufficient funding for long term sustainability and integrity of the habitats, which covers the whole site which is adaptive and can change with any issues arising. The consultee is generally supportive of less tree cover on the wider site within the restoration proposals. The restoration proposals must deliver for the intended species and the consultee needs further evidence this can be achieved with the current scheme. The consultee

reiterated their objection in August 2023 after the applicant responded to the objection.

- 7.15 **Yorkshire Water Services Ltd** – A response was received stating the requirement for a condition for measures to protect the public sewage infrastructure within the site boundary.

Internal Consultees:

- 7.16 **Arboricultural Officer** – No response received to date.
- 7.17 **Archaeology** – A response was received stating the archaeological field evaluations have demonstrated that there is potential for dispersed remains of the Neolithic/early Bronze Age and evidence of Iron Age, Roman and medieval activity. The proposal would have a major impact on these types of remains. The application includes a Scheme of Archaeological investigation and publication and it is considered that this is proportionate to the expected significance of the remains. The consultee recommends two conditions in regard to the archaeological recording.
- 7.18 **Ecology** – A response was received stating that an updated ecological survey, assessment and information related to the restoration and aftercare of the site has been provided. The consultee confirms that previous errors and inconsistencies have been corrected and sufficient work has been provided to assess the application. The ecologist states the mitigation compensation and enhancement in paragraph 7.10 of the ecology chapter of the ES is supported and the conclusions in table 7.19 are agreed in relation to residual effects. The Ecologist states that the indicative landscape framework provides a coherent scheme of habitats that will provide benefits for biodiversity. The consultee requests though if the loss of a section of Ings Goit has only partially been compensated and if it had been investigated whether the area of dry land in Phase 13 plant site area could have opportunities for a better scheme for biodiversity in relation to this area. The consultee supports pre-commencement ecological walkover surveys to be completed.

The long term management is required through a S106 for a detailed management plan for the whole site to ensure it is managed effectively for the benefit of biodiversity, alongside the opportunities for access and education for a net period of no less than 30 years. In addition to this in relation to Biodiversity Net Gain the changes to the Langwith previously approved scheme are required to secure an optimum restoration for Oaklands. It is considered the proposed scheme would take into account the wetland bird interest better with less tree cover and is more suited to the wider masterplan for the Nosterfield site and demonstrates a net gain from the current baseline. The monitoring and management strategy is also required to be secured by legal agreement with condition surveys and repeat BNG assessments to demonstrate success of the scheme and contingency measures.

- 7.19 **Environmental Health Officer - Hambleton Area** – A response was received stating there would be no negative impact from the proposed expansion of the quarry at Nosterfield and therefore the Environmental Health Service has no objections to this application.
- 7.20 **Public Rights of Way Team** – Confirms no line of any public right of way would be likely to be affected by this application.
- 7.21 **Planning - Hambleton Area & Conservation** - A response was received stating the application does not reference the new Hambleton Local Plan policies which are

required to be addressed and an updated chapter of the Environmental Statement included these policies, which has now been submitted and the area office now state no further comments.

- 7.22 **Principal Landscape Architect** – A response was received stating they are generally supportive of the overall principle of working and restoration of the Oaklands site in regard to the Outline Landscape and Biodiversity Maintenance and Management Plan; however, questions still remain regarding the phasing and mitigation. The consultee requests in any permission that the principles within the Nosterfield Strategic Management Plan in the existing legal agreement for the Langwith extension is required to be carried forward and updated taking into account with recent changes. With further clarification on the proximity of operations to Oakland and Long Lane, with detailed proposals of temporary screening of earth bunds and hedgerow planting, with 15 metre standoff and 3 metres in height. With hedgerows on the western side of the site being gapped up where necessary. The consultee asks for clarification on the conservation body's site facilities and clarify high and low water parameters on key notes. The consultee requires the S106 agreement in regard to the application to include specific provision for permissive footpaths, waymarking and interpretation, site management for 30 years, information on the Visitor Centre, provision of a detailed landscape and biodiversity maintenance and management plan and any special provision for the conservation body's site facilities for the 30- year management period. With conditions in regard to detailed hard and soft landscaping schemes, tree protection measures, advance landscaping works, drainage details and details of viewing points.

Local Representations

- 7.23 Thirteen local representations have been received; of which eight are objections (including the LUCT and RSPB) and five are comments (including CPRE). A summary of the comments is provided below.
- 7.24 **Objections:**
- Impact on residential amenity of the village of Well.
 - The visual impact on travelling down Well Bank during the extraction period detracting from the natural beauty.
 - Impact on farming landscape, which will be irreversible.
 - Impact on Long Lane as a walking route for residents.
 - Impact on wildlife including voles, badgers and geese.
 - Application understates the importance of the application site for both nesting, wintering and migrant birds, notable the globally near threatened Curlew.
 - Impact of flooding and the flow of water and lowering of the water table.
 - Impact downstream on Ings Goit for water abstraction.
 - The restoration scheme provides no meaningful replacement for the loss of habitats for breeding birds.
 - Impact on Thornborough Henges.
 - Further water bodies attracting greylag and Canada geese, which graze on arable crops. The numbers of these birds should be controlled.
 - Issue with erosion of the western bank of Oaklands water causing consequences for the adjoining agricultural land.

Comments

- Clarification in regard to extensive wetland mosaic nor large areas of wet grassland on the initial plans submitted.
- The Nosterfield complex has given great benefits to biodiversity and is an excellent example of a regional if not national status. Any future development should not undo or prejudice this previous work.
- Is enough being done to ensure the restoration areas are large enough to take account of the wintering wader flocks of curlew, lapwing and geese?
- Concerns relating of the flow of water in Ings Goit and how it would be managed due to the disruption of the flow, requesting proper provision made for an outlet back into Ings Goit which can be adjusted depending on the level of the lake. Which would ensure that enough water going down stream of the quarrying operation is there to maintain a watercourse.
- Water levels are to be maintained and Ings Goit is fundamental to this.

7.25 A response was received from the Lower Ure Conservation Trust (LUCT) on 18 February 2022. This stated significant concerns relating to the application surrounding the Ecological Impact Assessment (EclA) and hydrological concerns. The response stated inaccuracies within the EclA which have now been addressed with a new EclA. In terms of Hydrology LUCT submitted a document 'Nosterfield Nature Reserve – Hydrogeological Assessment' (February 2022. JBA), which LUCT commissioned and was part funded by Tarmac. The document brought up issues and put forward solutions to assist in mitigating for cumulative impacts over recent decades, requesting an independent hydrologist to assess the evidence. The representation then goes onto issues in regard to habitat and species stating minerals extraction has resulted in loss of large areas of organic/peaty soils which are important notably for Curlew and Snipe, which this final extension will remove further wet organic soils.

A further response was received after the applicant provided a significant amount of further information correcting issues with the EclA which reiterated the objection. The conservation body stated they do not object to the principle of the extension and minerals extraction in this area but state there is a lack of a clear commitment to maximising priority habitat restoration its delivery and the clarity regarding long term commitment to an integrated landscape plan. The representation states that during the life of the quarry has removed 30 hectares of "peat" and this will be increased by a further 5 hectares, the representation highlighted the value of these soils on site for nature conservation and that a clear commitment for recognising that wetland habitat is required with restoration to wet grassland and species rich fen in line with NYC's climate change strategy and MWJP D10.

The representation requests a holistic master plan for the whole local landscape including Thornborough henges, taking into account the whole quarrying context in recent decades. LUCT state the footpath links through the site should not be an inward looking network of footpaths and considers areas which have not had public access in previous applications should remain so.

In regard to hydrology the representation requests clarity on the objectives of proposed water levels on the whole quarry complex and its association with the adjoining landscape, including wet grassland, as well as in regard to the proposed water control structures and their long term management. It also requests structural details about the proposed water control structures. Stating that North Yorkshire Council is required to have sufficient expertise to examine the Environmental Statement (EIA regulations 2017) and if there is no in house hydrologist, it must

engage an external expert to review the information provided in support of the application.

The representation states the original S106 called for maximising nature conservation and MJWP Policy D10 highlights wet grassland and fen as priority habitats. The LUCT state that the proposal should focus on wet grassland and fen not “species rich grassland”, narrow linear strips of wetland habitat have limited potential for wildlife and are difficult to manage cohesively. Further stating every effort should be made to strive for creating large cohesive and manageable blocks of priority habitat. The LUCT recognise the value of flexibility with the Indicative Landscape Framework, however, request further detail on the priority habitat types and the scale of habitat creation envisaged, as well as its long term management and funding. LUCT conclude that the site should be given the maximum allowable aftercare period in the case of nature conservation.

A further objection was sent of the 24 August 2023 which stated that there should be a comprehensive approach to mitigation which maximises nature conservation benefits and takes into account the cumulative impacts of quarrying and the inadequacy of the hydrological effects of the development and questions the council’s expertise to consider this critical aspect of the development. Summarised further objections are bullet pointed below:

- Inconsistent planning permissions without clarity to the appropriate procedural basis, requesting an application to cover the whole site.
- Without this approach the applicant cannot rely on earlier permissions. Overlapping S106 agreements which are binding and have not been complied with specifically in regard to maximising nature conservation.
- Finally the approach to the EIA being flawed as it should consider the effects arising from the proposed project extension and amendments proposed by way of both the S73 variation of the Langwith proposal and the wider project, along with detailed concerns on the failures of the March 2022 ES non-technical summary to address the requirements of Schedule 4 of the 2017 Regulations.

- 7.26 A response was received from the Royal Society for the Protection of Birds (RSPB) on 4 July 2023. This stated that the RSPB continue to object to the application but acknowledge that the updated Ecology chapter addresses a number of issues with the initial chapter but considers that the EcIA still under values the wider area to Curlew and the key role the Nosterfield complex plays in this value. The representation states the indicative landscape framework and Outline and Biodiversity Management and Maintenance Plan is welcomed, but there are significant concerns over the habitats which are being targeted in particular wet grassland and fen. The RSPB recognise the need for flexibility and the benefits to working to a framework rather than detailed prescriptions and it is critical that the initial right direction in terms of intended habitats to confirm that confidence ecological impacts will be properly addressed. A further response after the applicant responded to the original objection reiterated the objection due to the 4.35 hectare fen habitat not matching the policy requirement for a significant contribution to the relevant habitat when considered at a landscape or even site scale. Further stating that the scheme does not provide any significant areas of wet grassland and adds to the concerns over the intent and ability to deliver the significant contribution fen and wet grassland habitats required by the policy. Finally stating that a comprehensive and detailed plan addressing these issues and the wider holistic landscape is essential, including the practical aspects of delivering such habitats to give sufficient confidence that a suitable habitat restoration framework can be delivered.

- 7.27 A response was received from the Campaign to Protect Rural England North and East Yorkshire (CPRENEY). This stated the CPRENEY does not object to the principle of the proposed extension, which is established in the development plan, but required further information for ensuring that appropriate forms of mitigation are in place to protect the Nosterfield Nature Reserve and wider area. The representation states that the application accords with the development in principle, subject to detail. The representation states there were issues with the EclA and requested further clarity especially in regard to SINC's and specifically the Nosterfield Nature Reserve. The CPRENEY request that a lighting plan would be appropriate and that no light spill will occur to impact residential amenity. The response stated that without sufficient up to date information the Council cannot determine that the proposal would not harm the natural environment. This representation was submitted in 2022, before the applicant submitted significant further information and no further representation has been submitted since this date.

8.0 Environment Impact Assessment (EIA)

- 8.1. The applicant has provided an Environmental Statement with the application and a Scoping Opinion has been adopted ref. no. NY/2020/0172/SCO, dated 17 December 2020. The development falls within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out in the descriptions of Schedule 1 developments for which Environmental Impact Assessment (EIA) is mandatory and the proposal falls within this Schedule which is why an Environmental Statement has been required. In line with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 19 (3) the notification of the application with an Environmental Statement was sent to the Secretary of State.
- 8.2. The Environmental Statement uses the existing quarry operations as the baseline to assess the impact of activities. The ES includes chapters relating to the assessments undertaken for various topics and the Applicant has commissioned technical reports from expert consultants to assess the impact of the proposed activities on the locality around the Quarry including cumulative effects and the assessments' conclusions are set out briefly below. It is considered that the Environmental Statement is acceptable in regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as a whole and specifically in regard to Regulation 18 (5) it is considered in this instance that the Environmental Statement has been prepared by competent experts as outlined in the documents submitted to the council. In regard to regulation 4(5) of the same legislation it is considered that the Council has or has access as necessary to sufficient expertise to examine the environmental statement in this instance.
- 8.3. **Landscape and visual impact assessment (LVIA)** – This considers potential impacts on particular views such as those from Phashetts Lane and considers changes which will take place. The LVIA includes photomontages to illustrate the change in the landscape during and after extraction. The conclusion of the LVIA is that although two agricultural fields will become part of the lake, the creation of the land bridge will shorten views across the water. The applicant states that the final restoration and habitats are assessed as having a positive impact on views and the

wider landscape. The chapter concludes the operation would give rise to a small number of adverse effects on landscape fabric, character and visual amenity, none of which are significant. With the final restoration scheme, these would bring neutral to beneficial effects to the landscape character and would contribute positively to the wider setting of the area, reinstating historical wetland character of the landscape.

- 8.4. **Ecology** – In regard to restoration and biodiversity, careful habitat creation has been designed around the water bodies in consultation with other partners including the Lower Ure Conservation Trust (LUCT). This includes the re-creation of the original spur of land running north to south dividing the long lake into two smaller lakes and the creation of seasonally wet marshland and woodland and the creation of additional reedbeds. The LUCT are currently trialling nursery growth of plants and the restoration of Oaklands would allow further areas for this to be planted. The assessment explains a suite of ecological surveys has been undertaken, looking at the impact on a range of habitats and species including breeding birds, badgers, great crested newts, otters and voles. The mosaic of habitats to be provided has been assessed against national standards on biodiversity and, overall, the scheme would bring substantial enhancements to biodiversity compared to leaving the fields as they are at present. Best practice would be utilised to protect nature interest including soil stripping outside of bird nesting season and angling lighting away from known bat flight routes. The operator has also committed to providing a 5 year aftercare period and a 25 year long term management plan after the end of the life of the quarry, through the Detailed Landscape and Biodiversity Maintenance and Management Plan (DLBMMP) which will be secured through the S106. The S106 will also require this DLBMMP to be implemented with the inclusion of an appropriate conservation body to be sub-contracted to complete the works, which would be secured in the S106 agreement also. The chapter concludes with appropriate mitigation there are no significant residual effects of the proposal and the retention of peripheral habitats and Fox Covert Wood along with a restoration framework would ensure minor to major beneficial outcomes post extraction with the opportunity to develop fen type marginal habitats of significant conservation value to the wider SINC network.
- 8.5. **Soils and Agricultural Land** – Removing two agricultural fields would result in the loss of 5 hectares of Grade 3 agricultural land and 11 hectares of poorer quality land. All soils would be retained on site for reuse in restoration, with good working practices such as the use of appropriate machinery and season relating handling of the soils. The applicant therefore states that there is expected to be little damage to the soils. The chapter concludes the loss of agricultural land was not significant as it did not exceed the threshold of 20 hectares and stated, with good practice mitigation in place, it is expected that damage to soils would be minor and able to be re-used elsewhere on site.
- 8.6. **Water Resources** – This chapter states that the extension would not impact surface water flows and groundwater. The Ings Goit, a large field drain runs west to east through the Oaklands extension, before heading into the current working area of the Langwith extension, then eastwards beyond the quarry. On completion of extraction and restoration, the Ings Goit would flow into the Oaklands lake in the same manner

as it does into the lake to the east (Langwith). The groundwater table shows considerable variation in height; however, on site field drains for agricultural improvement have removed this variation. The proposed restoration would re-introduce this to allow for seasonally wet-woodland and woodland of high biodiversity value. A water control structure would be put in place on the western boundary of the site to be able to control water levels throughout the site. The implementation of this and issues surrounding Ings Goit would all be subject to agreement and overview of the Internal Drainage Board, as a statutory body with interest in this area. The requirement for the water control structure and its maintenance will be secured by the Detailed Landscape and Biodiversity Maintenance and Management Plan (DLBMMP) secured in the S106 agreement. The chapter concludes that during the extractive phase it is highly unlikely that surface water flow rates, water supplies, quality and water dependant features in the vicinity of the site would be adversely affected and that Ings Goit would be removed and ingressing water would flow directly into the quarry void and egress into Langwith Lake, ultimately discharging back into Ings Goit downstream of Nosterfield Quarry.

- 8.7. **Cultural Heritage** – The application area does not contain any designated heritage assets. The nearest is in Well Conservation Area and two grade I listed buildings and are considered to be of high value, but the site is not visible from most locations in the Conservation Area. The quarry has been subject to extensive archaeological investigations over its whole life and has contributed to the understanding of the use of the land and surrounding areas in the past. With the lower ground not containing almost any archaeology due to being marshy ground which would have been uninhabitable. The quarry has aimed to replicate a topographical model of the area which showed the variation of land heights which is the reasoning for the land bridge to be included in this application. Archaeological investigations have revealed some artefacts of local interest, rather than regional or national. The chapter concludes that the proposals impact on the setting of the conservation area during operations would be negligible adverse and would be partly mitigated by the phased restoration. The restoration would have a neutral/negligible beneficial impact on the Conservation Area as a whole and St Michaels Church (Grade I listed). The proposal would not have an impact on the significance of the listed buildings in Nosterfield or further afield within the study area and the overall impact on the setting of Thornborough Henges is considered neutral.
- 8.8. **Air Quality** – A study of air quality has come to the conclusion that the impact would be negligible noting sand and gravel is extracted from underwater and is therefore wet, avoiding potential problems with dust. The use of an electric dredger instead of dump trucks also reduces the potential for dust to arise. The chapter concludes the assessment demonstrates the extension would not lead to an unacceptable risk from air pollution, nor will it lead to any breach of national objectives.
- 8.9. **Noise** – A noise assessment has modelled predicted noise levels for local properties and from public footpaths and found that the impact would be negligible. The use of an electric dredger instead of dump trucks also reduces the usual operation noise levels of a quarry. The Chapter concludes that the assessment shows the 70dB(A) LAeq,1h (free field) criterion for temporary operations could be achieved at each

sensitive receptor and that there would be no greater than minor adverse effect on the Public Right of Way users. Also stating that the overall impact on existing dwelling would be negligible during the lifetime of the quarry.

- 8.10. **Climate Change** – The applicant states the importance of maximising the life of the existing plant, machinery and other infrastructure on site which would have a significant CO₂ benefit over developing a new site. The use of the dredger enables electrically powered extraction. It is considered by the applicant at present that the development of a new site would almost certainly involve standard internal combustion driven plant instead of a dredger with industry solutions in regard to other electric or hydrogen powered machinery are estimated to not be available for five to ten years. The chapter concludes that the proposed development has been assessed as providing a minor adverse, non-significant impact in regard to greenhouse gas emissions. It also states that the intelligent design, preparation and responsible construction would minimise the risks in regard to climate change in key areas such as flooding and the resilience of the development itself. With the overall impact of climate change on the site being neutral, not significant.
- 8.11. **Traffic** – The proposed extension would continue at the current average rate of approximately 300,000 tonnes per annum of aggregate which are exported by road. This permission would extend the life of the quarry by eight years. No importation of material is anticipated during the operational or restoration phases and no amendments to the working hours or staff are proposed. The current permission operates with on average 120 vehicle movements per day, 60 in and 60 out. The site currently has a routing agreement in terms of the highway routes in and out of the site. The chapter concludes that overall the proposed development can be accommodated on the surrounding highway network without significant impacts.

9.0 **Main Issues**

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
 - Local Amenity (noise)
 - Local Amenity (air quality and dust)
 - Landscape and Visual Impact
 - Habitats, Nature Conservation and Protected Species
 - Restoration and Aftercare
 - Soils and Agricultural Land Use
 - Flood Risk, Water and Drainage
 - Historic Environment
 - Highway Matters
 - Climate Change
 - Section 106 Agreement

10.0 **Assessment**

Principle of development

- 10.1 The proposed development is considered a large scale extension to the existing Nosterfield Quarry, being approximately 15 hectares in size and would involve the

throughput of up to 300,000 tonnes of mineral per annum. The proposal would utilise the current quarry's infrastructure with material leaving the site via the existing site access. The quarry extension sought by this application is referred to as the "Oaklands" quarry extension. The continuation of the extraction of sand and gravel at the quarry would move in a westerly direction beyond the extant Langwith extension (ref. C2/11/02057/FUL, dated 9 December 2016). The proposed development is a preferred area allocation site within the Minerals and Waste Joint Plan (MWJP) reference MJP07. The allocation in the Plan amounts to 44.6 hectares, with a proposed life of 6 years, proposing an annual output of 500,000 tonnes, with an estimated reserve of 3.6 million tonnes.

10.2 The application is a smaller extension area than the preferred area in the MWJP as shown on appendix E attached to this report. The proposal is for seven years of extraction and one year restoration, with access through the current quarry, with 120 two-way daily movements predicted (60 each way). The site in the MWJP Appendix 1 allocated site document is stated to be consistent with policies M01 (Broad geographical approach to supply of aggregates), M02 (Provision of sand and gravel), M03 (Overall distribution of sand and gravel provision), M04 (Landbanks for sand and gravel) and M07 (Meeting concreting sand and gravel requirements) of the MWJP. The key sensitivities identified by the site assessment are:

- Ecological issues, including impacts on: Moor Lane SINC, Ings Goit beck and protected
- species; potential habitats; presence of invasive species; cumulative impact
- Impact on best and most versatile agricultural land
- Heritage asset issues, including proximity to and impact on Scheduled Monuments
- including Thornborough Henges, other archaeological remains, Well and Kirklington
- Conservation Areas and Listed Buildings in Nosterfield
- Landscape and visual intrusion issues, including impact on villages, impact of relocating
- stream and cumulative impact
- Water issues, including hydrology, flood risk (zones 1, 2 and 3) and surface water
- drainage (including appropriate mitigation for the impact of relocating the Ings Goit beck)
- Impacts on public rights of way within and in close proximity to the site
- Traffic impact, including access and HGV use of local roads including on the B6267
- Amenity issues, including noise, dust
- Structures proposed over 91.4m in height

Further to this, the site assessment and consultation process during the preparation of the MWJP identified requirements which are stated below:

- Mitigation of ecological issues, in particular with regard to avoiding impacts on Moor Lane SINC, Ings Goit beck and protected species and including measures to address and control invasive species.
- Mitigation to minimise the irreversible loss of best and most versatile agricultural land and to protect high quality soil resources.

- Appropriate site configuration, design and landscaping to mitigate impact on heritage assets (Scheduled Monuments including Thornborough Henges, other potential archaeological remains, Listed Buildings in Nosterfield, Well and Kirklington Conservation areas) and their settings and the impact on villages and local landscape features.
- A site specific flood risk assessment which, to be satisfactory, will need to include necessary mitigation such as compensatory storage, attenuation and surface water drainage and SuDS as appropriate (including appropriate mitigation for the impact of relocating the Ings Goit beck).
- Suitable arrangements for public rights of way (diversion or retention, and associated mitigation, as appropriate).
- A suitable traffic assessment to ensure suitable arrangements for access and local roads, including an appropriate traffic management plan regarding the B6267 and Moor Lane.
- Appropriate arrangements for the assessment, control of and mitigation of effects including from noise and dust.
- An appropriate restoration scheme using opportunities for habitat creation and reconnecting the henges to their landscape setting, but which is also appropriate to location within a birdstrike safeguarding zone.
- Applications should be supported by a comprehensive archaeological assessment.
- The Ministry of Defence should be consulted on any structures proposed over 91.4m in height in connection with this development and any development of open water bodies, creation of wetland habitat, refuse or landfill site within the RAF Leeming and RAF Topcliffe birdstrike safeguarding zones.

10.3 The Oaklands extension being a preferred site within the MWJP is a significant in the consideration of the principle of the proposed development. However, this application is required to be considered on its own merits and in this instance the application site, as submitted, is smaller than the proposed quarry extension in the MWJP document. The proposal has a significantly smaller annual output than the site allocation at 300,000 tonnes per annum instead of the 500,000 tonnes and is seven years in length instead of the six years proposed life of the site in the allocation due to this. The area of the preferred site extraction which is now not to be included is a field to the west of the current applications boundary, which lessens the impact on Well village being further from the village, but also takes away land able to provide a higher amount of wetland habitat in the restoration scheme. There is a small area of the application red line area which is currently a part of the restored Flasks Lake which would be improved through this application, which was not included in the preferred site area. In regards to compliance with MWJP policies the proposal is in compliance with M01 titled Broad geographical approach to supply of aggregates as it is outside the National Park and AONB, in regard to M02 titled Provision of sand and gravel, M03 titled Overall distribution of sand and gravel provision and M04 titled Landbanks for sand and gravel it is considered that the proposal would contribute to the northwards distribution of the landbank helping to maintain the seven year landbank for sand and gravel. As it brings forward a preferred site it also complies with the M07 titled Meeting concreting sand and gravel requirements.

10.4 In regard to the Hambleton Local Plan, it is considered Policy S1 (sustainable development), S3 (spatial distribution) and EG7 (business and rural) are relevant as

the proposal would be an expansion of an existing business in the open countryside. It is considered that the proposed development would be in compliance with these policies as there is a need for sand and gravel in the area and this preferred site is part of the landbank within the MWJP in line with the sustainable development and effective use of land principles of Policy S1 as the proposal is appropriate to the location with no unacceptable impacts on the highway or countryside, which will be discussed in detail further in the report. The proposal also gains support from Hambleton Policy S3 point j) and EG7 as the site is an existing business in the countryside. It is considered that the relevant part of this to the principle of the development is that this is a minerals site where the mineral can only be worked where it is found and this reserve cannot be extracted from the existing site. It is further considered the scale of the development has been sufficiently justified, can be mitigated visually and is of a temporary nature. Hambleton Policy S5 is also relevant in regard to Development in the countryside which would only support new development in accordance with national and development plan policies and would not harm the character appearance and environmental qualities of the area it is located. In this instance it is considered that the proposed minerals extraction and restoration of the site, although includes the loss of 5.41 hectares of Grade 1 and 2 agricultural land would give benefits to the area being a preferred site in the MWJP for minerals extraction which outweigh the loss and is not a significant loss of agricultural land, which will be considered in more detail further in the report in the soils and agricultural land chapter of this report. The proposal is though considered in compliance with policy S5 as has been designed to retain these soils to be used in the restoration of the site, which would provide an enhanced recreational and tourism resource with further biodiversity benefits for the area.

- 10.5 The aims of the strategic policies for minerals M01, M02, M03, M04 and M07 are to provide an adequate supply of mineral for North Yorkshire. Policy M01 gives a broad geographical approach to where this mineral should be supplied from where possible avoiding National Parks, AONB's and the City of York. In this instance, the site is approximately 3.4km from the AONB and is not considered to impact this nationally protected area with no views of the site from the AONB. Policy M02 in the MWJP is in regard to the sand and gravel requirements of the local authority which states 36.6 million tonnes is to be provided for the period to December 2030. Policies M03 and M04 add to this by stating that a 7 year landbank for sand and gravel must be maintained in each northward and southward distribution areas, with Nosterfield Quarry contributing to the northwards area. Policy M07 part 2 reiterates the preferred area on land at Oaklands being a preferred site which are required to take account of key sensitives and incorporate necessary mitigation measures that are set out in the allocation document (bullet points in paragraph 10.2).
- 10.6 Landbanks are an important aspect of Government policy to ensure continuity of supply of minerals and support economic growth and provision of infrastructure. A further extension to the existing Nosterfield Quarry would play an important role in the supply of sand and gravel in the Plan area contributing to sustained resources for growth. The proposed development would secure productive capacity, ensuring continuity of supply and assisting in maintaining a sufficient land bank reserve of sand and gravel. It would constitute an efficient use of mineral resources permitting the recovery of known reserves of sand and gravel. The National Planning Policy Framework (NPPF) paragraph 209 recognises that a sufficient supply of material to support the country's needs are required with minerals being essential to economic growth and in regard to paragraph 213 encourages local planning authorities to plan to maintain a landbank of at least 7 years for sand and gravel.

- 10.7 The Local Aggregate Assessment for the North Yorkshire Sub-region (sixth review 2021) is the most up to date published assessment in terms of the current resources in the sub-region. The assessment states that there was a 15.5 year landbank in 2020, which is above the 'at least' seven year requirement. This however, does not impact upon the acceptability of this extension under consideration as it indicates the existence of a level above the minimum requirement at the point of assessment and serves to indicate that, at present, there is not an urgent need which is reiterated in the government planning practice guidance in relation to minerals. Furthermore, the assessment states that the future supply of the region is reliant on sand and gravel from the NYC area and there is a lack of availability of significant alternative sand and gravel resources. Without future reserves, the assessment states there would be a significant impact on supply to the adjacent North East region and elsewhere in the Yorkshire and Humber region. It is considered as the current permission at this site is near to being exhausted potentially as early as December 2023. The proposal represents the only remaining economically viable opportunity for the mineral to be extracted at Nosterfield. If permission is not forthcoming, the applicant has explained the existing quarry infrastructure would be removed and the site restored to a nature conservation purpose. Policy I02 in the MWJP also supports the use of existing infrastructure on minerals sites, as it provides the needed infrastructure, building and materials with a lower impact on the environment, than would be caused by a new sand and gravel site with no existing infrastructure. In this instance, the use of the dredger is a specific example of this where, due to the size of the site and the previous working, it has been economically viable for the operator to invest in this method of extraction. It is therefore considered that this proposal, as a preferred site, would add to the landbank and provide a maintenance of supply to the sub region.

The proposal put forward has been designed to improve on the current setting of the site, incorporate the strategic aims of the area and to make it more in line with the historic setting of Nosterfield and Well. In doing so the application area does include small areas of overlap with extant permissions. To the east there is the Langwith permission (Ref. NY/2011/0242/ENV) which the approved scheme includes a land bridge to break up Flask's Lake to Langwith lake. The proposed Oaklands extension would increase the size of this land bridge to take into account the proposed Oaklands water, any changes to the restoration of the Langwith area would be formalised through a S73 currently submitted to the council which is currently under consideration (Ref. NY/2022/0278/73). Further consideration of the restoration is discussed in the landscape and visual impact and restoration and aftercare sections of this report. To the south of the red line boundary area there is an overlap with a previously restored area of minerals extraction which includes Flask's Lake (Ref. MIN0537). This previous permission has been fully implemented and has been restored, although never formally put into aftercare. The proposed Oaklands permission would provide an improvement on the approved MIN0537 restoration scheme due to the Oaklands proposed Scheme including new lake margins and a new island within Flask lake, it is considered it would also further improve the biodiversity of the area. It can also be confirmed that in this overlapping area there is no further extraction and does not affect any aftercare requirements being required to be carried out on this area of land of which parts area currently leased to the LUCT. Overall it is not considered that the overlap of these two permissions with the proposed site is an issue and would not conflict with the aims of either of these permissions. In the case of the Langwith extension the applicant has submitted a further S73 application to bring this area of the site in line with the Oaklands extension and the strategic aims for the area as the Strategic Management Partnership group including the LUCT and English Heritage considerations regarding the site have changed since being approved in 2018. In regard to the LUCT objection

on the 24th August 2023 specifically it is considered that the implementation of the Oaklands extension would not cause significant issues in relation to either of these previous permissions. The largest amendment being the plant site area not being extracted until after the Oaklands area instead of when the Langwith area is complete. It is considered that through the Langwith S73 and this Oaklands permission sufficient nature conservation benefits can be achieved. In regard to the Kiln and Flasks area of the previous Nosterfield site these are secured in perpetuity already for nature conservation and this would not be impacted through this application. The crossover area of Flasks lake with the proposed application would give further nature conservation and biodiversity benefits with the lake margins and island area. As well as increasing the size of the land bridge which was put in place through the previous application to improve views of the site from the surrounding landscape.

- 10.8 The development management policies of the MWJP relevant to the principle of this development are D01 and D11. The main aim of MWJP Policy D01 is the presumption of sustainable minerals development to help improve the economic, social and environmental conditions in the area. In regard to MWJP Policy D11, it is to make sure that minerals developments are sustainable, appropriate and proportionate to the location. With appropriate mitigation measures in place to assist in visually screening the development during its operational phase, the scale of development is considered acceptable and should be considered against its temporary nature and that it would contribute to securing a long-term supply of sand and gravel. It is considered that the applicant in the Environmental Statement has considered the cumulative impacts of the development throughout the individual chapters as required by schedule 4 of the Environmental Impact Assessment Regulation (2017). The application acknowledges that as a result of further extraction being approved at the site it would delay the restoration of some areas and mean impacts would continue beyond the current period approved through the existing planning permissions. Further consideration of the cumulative impact of the application on key sensitivities will be discussed in each individual section of this report.
- 10.9 The proposed minerals extension would benefit from the presence of existing infrastructure (weighbridge, offices and site access) currently in place at the quarry. This area has permission for extraction but this application would utilise this plant area before it is removed, extracted and the land fully restored and would stop the sterilisation of the mineral in the ground. This is consistent with the NPPF in regard to paragraph 209, 211 and 213 in regard to the acceptability of the location of the proposed development. In regards to paragraph 211 this application is not in a National Park, AONB or scheduled monument or Conservation Area, it is considered that this report details that there would be no unacceptable adverse impacts on the natural or historic environment, human health or aviation safety. It is also considered that unavoidable noise and dust can be controlled by adequate conditions, with the restoration and aftercare being completed to the highest possible standard at the earliest opportunity. The NPPF para 209 recognises minerals are a finite natural resource and can only be worked where they are found. It is, therefore, important to make the best use of them as a means to secure their long-term conservation.
- 10.10 This proposal represents an extension to an existing quarry and would be an important part in contributing toward the landbank. The continued working of the extant Langwith extension and continuation to the Oaklands extension at the quarry although is lower than 500,000 per annum stated in the MWJP Appendix 1 is still a significant contribution. The contribution the continuation of quarrying at Nosterfield would make towards a sufficient supply of sand and gravel is consistent with national

planning policy contained within the NPPF (paragraph 211 which states “great weight should be given to the benefits of mineral extraction, including to the economy”. Therefore, it is considered the principle of this development is consistent with the NPPF.

- 10.11 The proposal is also in compliance with the MWJP policies M01, M02, M03 M04 and M07, I02, D01 and D11 in regard to the supply of sustainable minerals development. The proposal is also in compliance with S1 (Sustainable development) and EG7 (Business and Rural) of the Hambleton Local Plan. It is therefore considered that, subject to the identified reserves being capable of being extracted without unacceptable harm to interests of acknowledged importance including the listed buildings, the principle of granting planning permission for this development, is considered to be acceptable, for the reasons thus far explained. 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 paragraphs below.

Local amenity (noise)

- 10.12 Chapter 12 of the ES focuses on noise impacts. The site has successfully operated as a quarry under the terms of the previous permissions with no reported resultant impacts on local amenity. This planning application proposes to maintain the minerals management operating practices at the site, including hours of operation and methods of working. In regard to existing residential receptors, the applicant has identified Ladybridge Farm (ESR 1), Southwood House (ESR 2), Langwith House (ESR 3), Oaklands (ESR 4) and Eastern edge of Well (which is the nearest residential receptor in Well) (ESR 5) which are the five closest residential properties. These receptors are shown on Appendix D attached to this report. The applicant states in relation to noise, the continued imposition of a maximum noise level and restricted hours of operation would ensure that the site continues to operate so as to ensure that the impact of noise is mitigated minimising environmental harm. The proposed development does not seek to alter the previously approved hours of operation (07:00 to 18:00 hours Monday to Friday and 07:00 to 12:00 Saturdays including no quarry or associated operations on Sundays or Statutory/Public Holidays) (condition 6) or any other operational processes/practices including the same access to site, plant and machinery including effective noise attenuation equipment, with non-audible reverse warning alarm systems (condition 19). The extant permission at the site for the Langwith extension (ref. C2/11/02057/FUL, dated 9 December 2016) has a noise limit through condition 16 which states “*the quarry shall not exceed 55dB(A) measured as LAeqT (1 hour) in a free field at any point on the boundaries of Ladybridge Farm*”. The Council has received no noise complaints in regard to the existing quarry site or issues in regard to the existing conditions in relation to noise. This next section of the report will consider the proposed quarry extension in regard to noise and whether or not the proposed operation would give rise to adverse effects and enable a good standard of amenity to be achieved.
- 10.13 The noise assessment submitted considers the likely noise levels generated by operations at the nearby noise-sensitive residential receptors. The assessment takes into account that most of the extraction would be completed via dredging and, where the sand and gravel is not able to be reached through this, by an excavator on the edge of the lake. The noise assessment shows that the worst-case noise levels generated by temporary operations such as soil stripping and screen mound construction operations, would remain significantly below the absolute noise limit of Temp Ops 70dB LA_{eq, 1hr} stipulated in the Planning Practice Guidance for Minerals (Paragraph 022, dated 6.3.2014), with the highest predicted being at Ladybridge Farm at 47 Temp Ops LA_{eq, 1hr} and it is considered that a condition would be required

to be included on any grant of permission to confirm this higher limit, to protect residential amenity. The Noise Policy Statement for England gives overarching aims for the effective management and control of environmental noise, which is required to avoid significant adverse impacts on health and the quality of life, mitigate and minimise the impact and where possible contribute to its improvement. It is considered that in this instance the proposed development would not have an unacceptable impact on residential amenity and is consistent with NPPF paragraphs 174 (e), 185 and 211 (c), which state new development should not contribute to unacceptable levels of noise pollution and should ensure that the potential adverse impacts are mitigated with appropriate noise limits established. and the PPG guidance for minerals as it would avoid noise giving rise to any significant adverse impacts on health or quality of life. In regard to the long-term operations, Table 12.11 from the noise chapter in the ES (below) shows the predicted long term worst case noise levels at each sensitive receptor.

Existing Sensitive Receptor	Highest Predicted Noise Level from SoundPLAN Model	Noise Limit	Exceedance of predicted noise over the noise level limit
ESR 1	46	47	-1
ESR 2	41	45	-4
ESR 3	45	45	±0
ESR 4	45	45	±0
ESR 5	37	46	-9

The above table is in regard to site operations with no mitigation being included in the calculations. The assessment states that the receptors are of a moderate sensitivity and the results show that the magnitude of the impact would be negligible, with the long term operations having a negligible impact which is not significant at the sensitive receptors located in the immediate vicinity of the development and therefore states that specific further noise mitigation is not required. However, with screen bunds and soil storage to be implemented (although not required for mitigation), this would lessen the impact of the operations even further. The use of the dredger for a significant proportion of the extraction of mineral has a substantial influence on the lack of noise from the extraction area in comparison to other methods of quarrying. The relevant expert on this particular aspect of the proposal, the Hambleton Area Environmental Health Officer (EHO), after scrutinising the information submitted by the applicant company confirmed, that there would be no negative impact from the proposed extension and therefore has no objection to the development.

- 10.14 The relevant Development Plan policies 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 includes Policy D02 of the Minerals and Waste Joint Plan (MWJP) relevant in relation to local amenity and specifically in regard to noise seeks to safeguard communities and residents from unacceptable impacts. When considering the impacts of the proposal though, it is accepted that surface mineral workings have the potential to generate noise due to the use of heavy plant and HGV's. It is noted that the design of the quarry extension area incorporates stand offs from operational areas, phased working and soil stripping to allow for screening bunds (up to 3m high) along the western perimeter of the working area. In addition, all mobile plant/HGVs would use broadband (white sound) reverse warning systems. These working practices are considered appropriate

in the circumstances to mitigate the impact of the development and limit the effect on the amenity of the residents and the environment in regard to noise. In light of the above, it is considered that predicted noise levels arising from the development would remain within acceptable limits as defined in national planning guidance and the unavoidable noise from the site can be controlled and mitigated to minimise the impact in compliance with the amenity protection elements of MWJP Policy D02 as the proposal is designed to minimise the impact of the working and safeguard amenity standards, with no unacceptable impacts on the local environment. It is also considered that the proposed condition is in compliance with the Hambleton Local Plan policies S5 and E2 as it ensures the proposal would not have a significant adverse impact on the amenity of residential properties or any neighbour land uses and would protect the high quality living and working environment in the local area. In regard to policy E2 point c it is considered that there would be no significant adverse impacts in terms of internal and external noise levels are considered to be able to be kept within appropriate levels and conditioned to make sure these are adhered to. It is also considered that the duration of the works and the type/character of the noise would be able to be controlled via condition matching the existing Nosterfield Quarry sites hours of operation, with an additional condition 16 for a higher noise limit for temporary operations which include essential site preparation and restoration work such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds, construction of new permanent landforms and site road maintenance. These temporary operations would be limited to 8 weeks of the year to mitigate the impact of the proposed development. Therefore overall the proposal would maintain a high standard of amenity for all, including users of the public rights of way and local residents in proximity to the site.

- 10.15 It is further considered that this application is supported by their having been no representations received with issues in regard to noise and the Hambleton Area Environmental Health Officer has not stated any issues in regard to noise. It is considered that the proposed condition is also consistent with the NPPF Paragraph 211 point (c) as it would provide appropriate noise limits for the extraction in proximity to noise sensitive receptors.
- 10.16 In relation to residential amenity there is an objection from Well Parish Council in regard to further mitigation being required for Oaklands bungalow, which is ESR4 on appendix D attached to this report. It is considered that the ES chapter in regard to noise shows that Oaklands bungalow without any mitigation would not be significantly affected by the proposed development and conditions would be able to limit any impact on this residential property. Although the noise chapter does not state any mitigation is required to further lessen the impact, soil storage bunds would be placed on the western boundary approximately 3 metres high and 15 metres wide, which would give a buffer between the site and the residential property in terms of noise impact as well as mitigating more general residential amenity including the views into the site which will be dealt with later in the report. There is also an objection to the application in regard to the impact on residential amenity of Well, this does not state the specific impact but, in terms of noise, it is not considered that the development moving closer to Well would have a significant impact on the village and the noise levels would be able to be kept within the required levels at the nearest noise sensitive receptors within Well.
- 10.17 On the basis that such mitigation and controls are secured by the imposition of six conditions in regard to noise limits, these are Condition 6: Hours of operation, Condition 15: the standard noise levels required to be adhered to at the five sensitive receptors, Condition 16: limiting temporary uses to 8 weeks a year at the higher level,

Condition 17: the requirement for works ceasing if they are above the limits, Condition 18: regarding the potential for noise monitoring and Condition 19: requiring the plant and machinery to include noise attenuation equipment, it is considered that with this mitigation the proposed development would not result in adverse noise impacts upon any local residential property and therefore the proposed development is considered to be in compliance with Hambleton Local Plan Policy S5 and Policy E2 in regard to noise as there would be no significant adverse impacts on the amenity of occupiers or neighbours. It is also considered that the proposed development is in compliance with MWJP Policy D02 in regard to local amenity and cumulative impact as adverse impacts would be prevented through robust mitigation measures secured via the conditions. It is considered that this would not have an unacceptable impact on residential amenity and is consistent with NPPF paragraphs 174 (e), 185 and 211 (c) and the PPG guidance for noise as it would avoid noise giving rise to any significant adverse impacts on health or quality of life. It is also considered that the proposed development is compliant with the Equality Act (2010) and the Human Rights Act 1998 as its impacts would be mitigated through the conditions stated earlier in this paragraph to limit noise at the site protecting residential amenity and the right to the peaceful enjoyment of property.

Local Amenity (Air Quality/Dust)

- 10.18 Chapter 11 of the ES focuses on air quality impacts. The applicant's assessment has focused on dust from the extraction of minerals, restoration, landscaping and the transport of materials (via HGV). The ES includes a dust assessment considering the potential impact of the proposed quarry extension on two existing sensitive receptors within 250m of the proposed development namely the residential property named Oaklands (Air Quality: ESR 1) and the Public right of way to the south of the development (Air Quality: ESR 2). The dust assessment submitted with the application considers the site and surrounding area and existing air quality and the effect of meteorological conditions. The assessment also identifies the potential sources of dust and considers the emission magnitude and evaluates risk. It also sets out the proposed prevention and control mitigation measures. It is noted that dust can be generated from the movement of the minerals around the site and from earthworks operations, such as soil stripping and restoration. The assessment states the sensitivity for Oaklands is high and for the Public Right of Way is low. The assessment states that there would be frequent occasions during extraction where minerals extraction is further than the 250m distance that is stated as could have a potential impact on a receptor. The assessment concludes that dust from extraction would be very low due to the use of the suction dredger and pipeline transporting the materials to the processing area which is further away from any sensitive receptor. When splitting the impact to the specific phases during phase 12, only the residential receptor Oaklands is within the 250m limit and, during phase 13, neither receptor is within the 250m limit due to the location of this phase further east in the site.
- 10.19 The relevant Development Plan policy against which to assess the proposed development's effects associated with dust and its potential for significant adverse impact upon both the local community and the natural environment is Policy D02 of the MWJP which seeks to safeguard communities and residents from unacceptable impacts and Hambleton Local Plan Policy S1 and Policy RM4 which require developments to ensure that communities have a healthy, safe and attractive living and working environment and that proposals protect and improve air quality in the area including in relation to the traffic generation and dust. In regard to national policy NPPF paragraph 211 point c in regard to minerals extraction is also relevant, with planning practice guidance in regard to dust, which state unavoidable dust is required to be controlled at source and prepare a dust assessment study.

- 10.20 Upon review of the ES with specific regard to air quality and, in particular, dust, it is considered that the quarry's current dust management is sufficient in controlling dust at the site. At present, on the existing quarry site, there are no issues in regard to dust and no issues have been stated in any consultation response or representation from members of the public in regard to dust. With the use of the dredger and conveyor system, this limits the amount of dust on the site compared to other quarries. A dust mitigation condition, which is condition 13 of the draft schedule is required to mitigate the impact on dust upon air quality, which includes making sure the site complies with the mitigation requirements in the ES which include daily visual inspections, enforcing drop heights, speed limits, dampening exposed materials and ensuring the haul road is in a clean state. It is considered that the addition of condition 13 to the schedule which requires dust control measures is in compliance with Hambleton Local Plan policies S1 and RM4 and MWJP Policy D02 as it would ensure that there is not a significant adverse impact on the amenity of the sensitive receptors in the area. It would also be consistent with the NPPF as the quarry's current dust management system would seek to minimise dust emissions and stop where possible the dust and particle emissions at source.
- 10.21 With regard to the impacts on local air quality from traffic emissions, it is noted that the application does not propose an increase in HGV traffic above the existing level and the traffic generated is not considered to be significant in terms of the air quality impact. It is considered that this application is supported by their having been no representations received raising issues in regard to air quality and the Hambleton Environmental Health Officer has not stated any issues in regard to air quality. Further to which there have been no material objections from local residents regarding the application in relation to air quality issues. For these reasons, it is considered that the development would not have an unacceptable impact on local amenity and is consistent with the NPPF and PPG for Air Quality as the proposed development lies in an acceptable location and would not have any likely negative effects on health, living conditions or the natural environment. This proposal is also considered to be in compliance with Hambleton Local Plan Policy S1 in regard to air quality. The proposal is also considered to be in compliance with Policy D02 of the MWJP in regard to local amenity and cumulative impacts. Specifically in regard to Hambleton Local Plan Policy RM4 in regard to air quality, it is considered the ES gives due regard to the air quality impacts and the proposal would put in place specific mitigation measures necessary to limit the impact of the site. In terms of the cumulative impact in regard to the existing development and this proposed extension it is not considered that it would intensify the use of the site as the new area of extraction would not be operational at the same time as the Langwith extension area which is nearing completion.
- 10.22 To conclude, in regard to air quality, it is considered that the proposal would be able to be controlled through condition 13 in regard to dust. Any likely impact of dust upon any local receptors or upon the local environment, to which the continuation of the extraction of sand and gravel and restoration at this site for eight years after the commencement of the Oaklands extension, may give rise, are not considered to be so significant above those previously considered due to techniques and permitted methods of extraction; the number and the timing of vehicular movements; the hours of working; and the overall quarrying operation itself would remain at present levels. The proposed development is therefore considered to be consistent with the principles of the NPPF paragraph 174 (e) and 185 and 211 (c) in relation to ensuring unavoidable dust are controlled. The proposal would also be consistent with the MWJP Policy D02 in regard to local amenity and cumulative impacts, which seeks to ensure that proposed developments are appropriate to their location and would not

result in impacts considered significantly detrimental to the local environment in regard to dust. The development would also be in compliance with policies, S1 and RM4 of the Hambleton District Local Plan, which seek to ensure that there is no significant effect upon amenity arising from developments. It is also considered that the proposed development is compliant with the Equality Act (2010) and the Human Rights Act as its impacts would be mitigated through the condition to control dust stated earlier in this paragraph protecting residential amenity and the right to the peaceful enjoyment of one's property.

Landscape and Visual Impact

- 10.23 Chapter 6 of the ES assesses the landscape and visual impact of the proposed development. The application site is an active sand and gravel quarry that has been present within the landscape for several decades and is subject to restoration and aftercare requirements, although there is overlap with the existing quarry through these proposals red line it is not considered that this permission would conflict with the existing sites restoration and aftercare requirements. The predominant landscape character of the area is agricultural and the surrounding landscape is primarily characterised by a mixture of open arable fields within a rolling landscape, punctuated by various woods and copses. The landscape area rises to the adjacent higher ground to the west of the Magnesian Limestone Ridge compared to the lower land around the River Ure and areas to the east within the Vale of Mowbray. The site is also in the catchment of the Ings Goit which flows through the extension west to east and discharges presently into Langwith Lake. The assessment within the ES takes into account the site being within a Special Site of Scientific Interest (SSSI) Impact Zone, Nosterfield Local Nature Reserve Site of Importance for Nature Conservation (SINC), Flask and Kiln Lakes, Nosterfield SINC and Nosterfield Quarry (North) SINC. The ES acknowledges that the development would alter the landscape character of the area by the nature of the extraction activities exploiting sand and gravel from the land; however the surrounding area includes the existing quarry and the now restored areas of previous activity, which have given rise to similar changes to the local landscape which have been supported by Lower Ure Conservation Trust (LUCT) in regard to Kiln and Flask lake to the south of the proposed Oaklands extension. The conclusion of the ES assesses the impacts on the landscape character of the area during operations as being medium due to the partial alteration of the landscape. The assessment goes on to state that the overall effect is moderate adverse, but not significant reducing quickly with distance from the site and that once restored the effects would be neutral to beneficial. The progressive restoration and long-term management of the site would create areas of distinctive habitat in a well-managed and diverse landscape including wetland zones which were previously existing in the area prior to historical drainage and enclosure of the landscape.
- 10.24 The ES assessment concludes no visual receptors would experience significant effects as a result of the cumulative effects of ongoing extraction or the proposed extension with the final restoration giving rise to neutral or beneficial effects. Further from the application site, there are the villages of Well, Nosterfield and Thornborough. The residential receptors which have been assessed as potentially being affected by the proposed operations include:
- Oaklands – This is approximately 96 metres north of the application site and the applicant states the soil storage mounds in Phase 12 once seeded would help with screening and reducing the adverse medium-term effects of the operational phases.
 - Langwith House and Cottages – This is approximately 500 metres to the north of the Phase 12 extraction area and is screened by Fox Covet Wood. The applicant

states there is potential for glimpsed views of Phase 12 soil storage bunds on the northern boundary of the site.

- Ladybridge Farm – This is approximately 430m from the Phase 12 of the proposed development. The applicant states the creation of woodland and other types of vegetation within the Langwith extension would screen the proposed extension.
- Dovecot House – Is approximately 730m metres south of the proposed extension. The applicant states the previous restored quarry and the retention of woodland and other types of vegetation would provide screening from the proposed extension.
- Up Yonder and High Garth – Are approximately 1200m west of the application site on Phlashedts Lane as the first two properties on the southern edge of Well on the higher ground. The applicant states these properties would occupy a partial view of the site with soil bunds and hedgerow planting being noticeable and contracting to the current view in the short to medium term. However, the establishment of temporary grass cover should assist in integrating these features into the landscape. It is also considered that, as extraction progresses, the view of open water would increase also.

- 10.25 The relevant Development Plan policies against which to assess the proposed development's effects associated with potential significant adverse landscape and visual impacts include policies D02 (local amenity), D06 (landscape), D07 (biodiversity), D09 (Water Environment) and D11 (sustainable design) of the MWJP which have the aims of safeguarding communities from visual intrusion, cumulative impacts, public rights of way impacts, protecting from unacceptable impacts on biodiversity or geodiversity including on SSSI's and developments design is acceptable in the context of its location. These policies require 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 considered any proposed mitigation measures.
- 10.26 Hambleton Local Plan policies relevant to this element of the proposed development include S1 (sustainable development principles) in regard to sustainable and effective use of land protecting the natural environment and distinctive landscape characters, S5 (Development in the Countryside) in regard to recognising the intrinsic beauty, character and distinctiveness of the countryside, contributing to the identity of the district, E1 (Design) in regard to high quality design and successfully integrated into its surroundings, E4 (Green Infrastructure) in regard to taking opportunities to protect and enhance the public right of way network, E7 (Hambleton's Landscapes) in regard to taking account of the degree of openness and special characteristics of the landscape, enhances any natural or historic features in the environment, conserves tranquility and steps are taken to mitigate any impact on the landscape and IC3 (Open Space) in regard to the protection of public rights of way.
- 10.27 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.

- 10.28 With respect to potential visual effect of the proposed development upon current views in proximity to the site in relation to the above properties in paragraph 10.24 the assessment has shown that the magnitude of impact would be no greater than low and although the change would give rise to some moderate adverse effects these would not be significant and could be mitigated with the grassing of the soil bunds screening the extraction site. In regard to the impact on Well, the ES concludes only two properties on the edge of the village would have views of the extraction due to their elevated position; however, these would not experience any significant adverse effects. In regard to public rights of way, there a small number of adverse effects where they are in close proximity to the site which would not be significant.
- 10.29 In terms of views, it is therefore considered that the proposed development is consistent with NPPF paragraphs 174, 180, 185 and the PPG for the natural environment. The proposal is also considered to be in compliance with D02, D06 D07 and D11 of the MWJP and Hambleton Local Plan Policies S1, S5 and E1 by protecting the natural environment and landscape character of the area and providing an attractive recreational and tourism resource for the area through a high-quality indicative landscape framework. Furthermore, it is considered to be in compliance with Hambleton Policy E7 due to enhancing through the restoration of the site the natural and historic environment of the area and does not have a significant impact on any individual settlements or the wider landscape. In terms of views of the site, the application is also considered not to impact the AONB which is approximately 3km away as there are no significant views of the site from the AONB, this is considered to be in compliance with Policy E6 in regard to nationally significant landscapes.
- 10.30 The Campaign to Protect Rural England (CPRE) commented that there should be sufficient mitigation measures as to not detrimentally impact the Nosterfield Nature Reserve. The applicant has put forward a number of mitigation measures within the ES to minimise as far as possible the potential visual and landscape impacts. This would include improving the hedgerows on the western perimeter of the site, progressive restoration including the implementation of the land bridge which would break up the view of one large lake into two, lessening the impact and amount of change in the landscape along with the implementation of further wetland fen and reed beds, which would lessen the amount of open water seen from Well Bank. Additional advance planting would include a hedgerow along the northern boundary of the site which would screen a permissive footpath to be put in place through the site. In addition to this, three metre high soil storage bunds, which would vary in width from 7 metres to 40 metres and would limit views into the extraction area would mitigate the impact of extraction on Long Lane, public footpaths and Oaklands Bungalow. Well Parish Council and local representations comment on the impact of the extraction coming closer to the village of Well, with the impact on views travelling down Well Bank, specifically the impact of the proposal on Oaklands Bungalow which is the nearest residential receptor and the impact on Long Lane which Oaklands Bungalow is located on and is a walking route for residents. The impact would be at its highest during Phase 12 of the Oaklands extension as this is the closest to Long Lane and Oaklands Bungalow. Prior to commencement of this phase of working, the applicant would be required to gap up the existing western boundary hedgerow and plant further hedgerow trees which would lessen the impact specifically from Well Bank, the public right of way across the fields and from Long Lane. The design of quarry and its restoration also aim to lessen the impact on Well, as it was understood

there were concerns about the site being seen as one large water body from Well. The land bridge on the eastern side of the Oaklands extension would break up the view from Well of the water bodies the land bridge is required as part of the extant permission for the Langwith area however would be increased in size through this proposal to further mitigate the impact of the extra water body in the area. In addition to this, the Indicative Landscape Framework also now has significantly more aquatic marginal fen type vegetation which would break / decrease the open water section of the Langwith Lake and therefore views from Well would be more varied.

- 10.31 CPRE also commented along with Well Parish Council, on the impact on the area from lighting. It is considered that the current operation successfully mitigates the impact of lighting and no complaints have been received in regard to lighting regarding the existing quarry operations, with the plant location staying in the current location and with the six-metre high bund around it, there would be no additional impact in regard to this part of the site. In regard to the additional extraction area, this is proposed to be moving closer to Well; however, with the screen bunding, it is not considered any lighting in this area would have a significant impact on local amenity or the landscape. It is considered that a condition in regard to the requirement for a lighting scheme to be submitted prior to the commencement of development would mitigate this further and this has been included as a draft condition 14 in the schedule at the end of this report. This is considered to be in compliance with MWJP Policy D02 in regard to amenity and Hambleton Local Plan Policy E7 protecting Hambleton's landscapes.
- 10.32 During the application process, objections and comments have been received in regard to the impact on the farming landscape with a specific concern from Well and Tanfield Parish Councils and a local resident in regard to erosion on the western edge of the extraction area and, after extraction, the restored lake. It is considered that the indicative landscape framework has been designed for aquatic marginal and fen type vegetation on this western boundary which would stop any erosion of the lake boundary. Furthermore, the applicant has confirmed, on the existing Nosterfield site, there have been no issues with the erosion of the boarder of the lakes and, as part of the aftercare and long term management of the site, this would be monitored and required to be rectified if there was an issue. A detailed restoration scheme is also conditioned to give further specific detail in regard to the restoration of the site. A further representation objecting to the application stated the irreversible impact on the farming landscape. Although it is considered that there would be a loss of field pattern of two fields, the western field boundary would be retained and it is not considered the loss of this 5.41 hectares BMV Grade 1 and 2 agricultural land in the landscape would not be significant and would be sufficiently mitigated with the rest of the site (10.19 ha) being Grade 3b non-BMV land, this is discussed further in the agricultural land and soils section of this report.
- 10.33 There are also a number of public rights of way which are in proximity to the site. The nearest public right of way routes (PRoW route codes 10.165/6/1 & 10.165/6/2) run from Nosterfield Village south of the site heading north-west to towards Well, where, past the quarry, it splits in two and heads across an agricultural field towards Long Lane. At its nearest point to the application site, it is approximately 450 metres. In regard to public rights of way Hambleton Policy E4 and Policy IC3 are relevant which state development which impacts public rights of way would only be permitted where their amenity value would be protected or satisfactorily diverted, with a good level of amenity maintained. In this instance, it is considered there would be no significant impact to the public right of way and the level of amenity of the right of way would be acceptable. Further to this, the Public Rights of Way team have commented with no objections to the proposed development because no line of any public right of way

would be likely to be affected. Users of the public rights of way would have views of the extension area; however, these would be mitigated through the soil screening bunds and are not considered to be significant. The proposal is also consistent with Hambleton Policy E4 and IC3 and MWJP Policy D02 as it would not have an unacceptable impact on users of the public rights of way network and enhances the public right of way network in proximity to the site by creating a more accessible joined up network of permissive footpaths in the area.

- 10.34 Well Parish Council have made a comment in regard to visitor parking at the site and proposed permissive public footpaths in the application and the Lower Ure Conservation Trust (LUCT) have stated concerns regarding inward facing footpaths causing harm to the nature conservation of the site. The current extant Langwith permission has a permissive footpath which continues north from the Visitor Centre across the land bridge and around the Langwith Lake. This application has provided an opportunity to look at this again with the applicant. It is now considered that there should be parts of the site which are kept free of public footpaths and the Indicative Landscape Framework has been amended with this in mind in the Langwith scheme the land bridge included a permissive footpath which ran north to south and carried on around the north of the lake, which has now been removed. The updated version of the indicative landscape framework (rev D) for the whole site also has provided an opportunity to improve linkages with existing rights of way and connect them into the site creating a circular route from the Visitor Centre to Well and back along Long Lane and through the northern section of the quarry and round the eastern side of Langwith Lake. It is considered that the proposed scheme would provide additional public access with a positive contribution to the local area. In regard to the impact on nature conservation from public footpaths around the Nosterfield quarry site, it is considered that public footpaths and their amenity value have always been a part of the schemes at the site and this current scheme improves this further, while also keeping large parts of the site free of walking routes. To mitigate this further the permissive footpath along the north of the site has been proposed with a hedge line to the south to screen visitors and create a barrier to the nature conservation site, the viewpoints along this route would though still give some amenity value with less impact on the nature conservation. It is considered that further detailed mitigation in regard to the permissive footpath would be agreed in the detailed landscape and biodiversity maintenance and management plan (DLBMMP) secured through the S106 agreement. In regard to the Visitor Centre and car parking, this is within the requirements of the long-term management of the site to be kept in place in perpetuity with the specific details of this required to be submitted as part of a detailed Landscape and Biodiversity Management and Maintenance Plan to be submitted as part of a S106 legal agreement. There is also a non-material objection which states that the proposed public rights of way would harm the area as it would be incorrectly used by mountain bikers and horse riders when it is not a bridleway. This is not material as the planning authority does not control or monitor the use of the public rights of way.
- 10.35 The Lower Ure Conservation Trust (LUCT) state in their representation that the permissive footpath on the north of Langwith Lake would create a conflict for wildlife and any future land management. However, a footpath in this location has already been deemed acceptable in the extant Langwith permission. The Yorkshire Wildlife Trust (YWT) request that footpaths and education centres do not compromise the ability of habitats to support key species and that quiet areas for habitat are maintained. It is considered that the updated scheme with hedgerow screening the permissive footpath from the lake boundaries would be sufficient to mitigate the impact of the footpath in this area. The current extant Langwith permission access plans have a permissive footpath through the land-bridge area. This proposal has

removed this to maintain quieter areas of the site for nature conservation benefits, on the Indicative Landscape Framework a path is still shown on this area which is to be controlled by the conservation body for educational purposes and not for public access. It is considered that the benefits of the permissive footpaths and the linkages they create are therefore in compliance with the Hambleton Local Plan Policy E4 and Policy IC3 and MWJP Policy D02 as the proposed public rights of way would be well integrated into the existing network.

- 10.36 The proposal would result in the loss of two existing field patterns and a number of trees and vegetation within the extension area. The implementation of the proposed mineral extraction will necessitate the removal of ten individual trees and nine tree groups, the arboricultural impact assessment states no category A or veteran trees are to be removed through this development with fifty percent of the individual trees to be removed are category 'C' and 'U' quality and seventy-eight percent of the tree groups to be removed are category 'C' quality. It is considered any trees and vegetation lost would be mitigated through the restoration and aftercare scheme which is considered to increase the overall biodiversity and compensate the loss of the existing landscape features. It is considered that this is in compliance with Hambleton Local Plan Policy E7 in regard the protection of Hambleton's Landscapes as it would protect the woodland of Fox Covert and restore and re-create priority habitats after extraction has been completed. This is also consistent with NPPF paragraphs 174 in regard to protection and enhancing valued landscapes through the indicative landscape framework and a condition requiring a detailed restoration scheme, paragraph 180 through adequately mitigating the hedgerow biodiversity loss through extensive replacement hedgerows and new woodland planting and paragraph 211 in regard to providing a high-quality restoration scheme. In regard to the Oaklands extension, there is no alternative to the removal of a number of trees in the extension area. To mitigate the loss of the trees to be removed, deadwood trees would be retained as monoliths for their biodiversity habitat value, which would also be positive for the application site. The monoliths would be placed on the edge of Fox Covert Wood for the best biodiversity use. This is also in compliance with D06 of the MWJP in regard to landscape as taking into account mitigation measures the trees and hedgerow, which has characteristics of a protected hedgerow, lost would be not cause an unacceptable impact on the quality and character of the landscape.
- 10.37 In consultation responses received in terms of landscape a number of points were raised by statutory consultees, which are summarised within Section 7.0 of this report. In terms of landscape, it is considered that the applicant has, in a reasonable and proportionate approach, put forward mitigation and a restoration scheme which would give long term benefits to the site and protect the other landscape features to be retained. The Landscape Officer requested further clarification on the scheme in their initial response and engaged with the applicant to improve upon the originally proposed indicative landscape framework, with the main concerns being limiting the impact on the surrounding landscape and screening of the site, the provision of habitats on site, the provision of footpaths on site and its long-term management. When the further information was provided in May 2023, the Landscape Officer provided additional comments requesting further clarifications and minor amendments to plans to confirm that additional hedgerow gapping up and hedgerow trees would be advance planting and the screen bunding would be in place before the first phase of extraction; both of which were confirmed by the applicant and a condition proposed to be added in relation to advance planting works (condition 32). The Landscape Officer also provided a list of requirements to be secured to any permission including a landscaping scheme which is proposed as condition 31 of the draft schedule, tree protection measure (condition 33 of the draft schedule) and a detailed restoration scheme (condition 36 of the draft schedule).

- 10.38 In the response, the Landscape Officer also outlined the landscape requirements of the S106 legal agreement to include specific provision of the permissive footpaths, waymarking and interpretation of the site, drainage details, site management for 30 years, information on the use of the Visitor Centre and which would outline the conservation body and their site facilities during this period; all of which is to be included in the requirement for the detailed landscape and biodiversity maintenance and management plan (DLBMMP) to be secured through the S106 legal agreement for this application, as well as the requirement for an updated Nosterfield Strategic Management Plan which is currently attached to the Langwith extension. If the proposed obligations are secured in a S106 agreement together with the proposed conditions and the Landscape Officer stating they are generally supportive of the overall principle of the working, restoration of the Oaklands site and the outline landscape and biodiversity maintenance and management plan (OLBMMP), it is considered that the proposal would be an acceptable scheme in terms of landscape and is in compliance with Policy D06 of the MWJP in regard to the design as the impact on the landscape is mitigated with a high standard scheme which has been carefully designed with the wider context in mind and would deliver a positive outcome to the landscape with long term management. This proposal is therefore in compliance with Hambleton Local Plan Policy E1 and Policy E7 in regard to design and landscapes as it is considered it would, in the long term, enhance the character of the area.
- 10.39 The site is an established quarry and the on-going mineral extraction operations within the quarry, while impacting on the landscape in the short term, would not be significant. The mitigation provided during operations and the benefits of the restoration show the overall proposal would have a positive impact on the landscape of the area. The impacts of the proposed development are considered to be capable of being adequately mitigated by the measures proposed by the applicant and are considered capable of being acceptable in land-use planning terms should appropriate levels of control be capable of being imposed through suitably worded planning conditions. This is further supported through, as earlier referred, the delivery of a S106 Legal Agreement capable of providing the mechanism to address the concerns from consultees in regard to long term management. It is therefore considered that the development which comprises the continuation of mineral extraction within the existing quarry for a further seven years and restoration for a further one year would not have an unacceptable or harmful impact on the landscape character of the area. It is considered the proposed development is consistent with the NPPF paragraphs 174, 180 and 211 and the PPG for the natural environment. In terms of policy compliance, it is considered that the proposed advance planting, restoration and aftercare plans would protect the environment and those living within the vicinity of the site from potential landscape and visual impacts and therefore considered to be in compliance with Hambleton Local Plan policies S1, S5, E1 and E7 and IC3. The proposal is considered to be in compliance with policies D02, D06, D07 and D11 of the MWJP. It is also considered that the proposed development is compliant with the Equality act (2010) and the Human Rights Act as its impacts would be mitigated through the conditions for advance planting and a high quality aftercare scheme which would protect the local landscape for all local residents and the right to the peaceful enjoyment of one's property.

Habitats, Nature Conservation and Protected Species

- 10.40 Chapter 7 of the Environmental Statement (ES) assesses the ecological impacts of the development and is accompanied by surveys of protected species. The applicant has also submitted an outline Landscape and Biodiversity Maintenance and Management Plan. 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. The habitats within the vicinity have been assessed through the ES and with three Sites of Interest for Nature Conservation (SINC) linked to previous extraction areas which are now restored Nosterfield Quarry (North), Nosterfield Local Nature Reserve and Flask and Kiln Lakes which have a significance at a local/county level. The site also includes further broadleaved woodland, arable land, arable field margins, scrub, tall herb and fern and species rich hedgerow, species poor hedgerows, standard trees, standing water, ponds wood and short perennials. The assessment identified that possible effects of the development could have moderate adverse impacts on habitats. The main habitat losses with '*moderate adverse*' impacts are the loss of trees and removal of important hedgerows. All other features would not be impacted in any significant way with the magnitude being lower. It is considered that the magnitude of moderate/high significance stated by the applicant would be likely without the appropriate mitigation.

10.41 The applicant states the site is of local value in terms of wintering birds, with the site, as a whole, being of regional value and the Nosterfield wetland area, as a whole, being an important wintering and post breeding stage site for Curlew. Table 7.17 in the ES chapter for ecology states site is also of local importance for otters, barn owl, water vole and brown hare; site level importance for white-letter hairstreak, hedgehog and common toad; and negligible impact for white clawed crayfish, dormice and great crested newt. In regard to badgers, the impact is considered to be negligible in the local area; however the development would cause a loss of foraging and commuting habitat, but the magnitude of the impact is considered to be low after low activity during the survey periods. Therefore, overall, in terms of loss of badger foraging and commuting habitat, it is assessed as being minor adverse. There is a single soprano pipistrelle bat roost located on the site within tree T10, for which it is not possible for this tree to be retained and in the absence of mitigation would have a high magnitude of effect with moderate adverse effects. The bullet points below give a list of the adverse impacts of the development:

- Loss of bare ground habitat supporting s.41 moss species (Moderate adverse);
- Loss of flowing water at Ings Goit (Moderate adverse);
- Loss of hedgerows (Moderate adverse);
- Disturbance to badger commuting/foraging areas (Minor adverse);
- Loss of a soprano pipistrelle bat roost (Moderate adverse);
- Disturbance of foraging bats (Minor – Moderate adverse);
- Disturbance and displacement of breeding birds (Minor - Moderate adverse); and
- Disturbance and displacement of wintering waterbirds (Minor Adverse).

10.42 The applicant has identified within the ES a mitigation strategy to compensate for the above adverse effects during the construction, operational, and restoration phases. The strategy included the below detail:

- Habitat related mitigation, compensation and enhancement measures are principally set out within the indicative landscape proposals within the site Indicative Landscape Framework Plan (Figure 3.4)
- A buffer of 15m will be retained around the periphery of Fox Covert wood.
- The felled stems of five further mature standards will be retained on site around Fox Covert wood as monoliths and erected vertically. The branch wood from the

mature trees will also be retained and placed as habitat piles near the erected monoliths.

- All peripheral mature hedgerows with mature trees around the site will be retained (with measures implemented to ensure no damage)
- Hedgerows running northwards from Flask Lake will be strengthened and enhanced providing habitat link between the lakes and the pastoral habitats to the west of the site
- Provision of at least 20 'woodcrete' and self-cleaning bat boxes of a range of designs
- Wet grassland will be created between Flask Lake Oaklands Water and Langwith Water
- Inclusion of wych elm within the hedgerow and woodland planting lists to provide suitable habitat for priority species
- Provision of a pole mounted Barn owl box located to the south of the site (away from the road) to provide suitable nesting opportunities for barn owl in the area.

It is considered this would be appropriate and is required to be implemented through condition 23 in the draft schedule which states the specific mitigation measures which include habitat compensation and enhancement measures, a 15 metre buffer with Fox Covert wood, five felled trees as monoliths, hedgerow being retained and strengthened, bat boxes and barn owl box. Within the Hambleton Local Plan Policy S5 (development in the countryside) it requires proposals to protect and enhance features of an ecological and geological interest. Any proposal is also required to protect the character and distinctiveness of the countryside with it being a valued biodiversity resource. In this instance, it is considered that the appraisal of the site has shown that significant harm to protected species can be avoided through a mitigation strategy and therefore it is considered the proposal is in compliance with this policy. The Ecologist requested that the mitigation compensation and enhancement in paragraph 7.10 of the ecology chapter is supported and a condition should be added to any permission requiring compliance with this mitigation and supports the pre-commencement requirements of ecological walkover surveys to be completed. It is not considered that there would be any additional cumulative effects during the extraction or restoration process due to the increased size of the site. The Oaklands application has given the opportunity to look at the wider site again and determine what can be done to increase biodiversity further than previously approved. The areas of crossover where there are existing permissions have been designed as to improve biodiversity and nature conservation. Although outside the red line boundary and an outstanding application not yet determined it is also considered the variation of the Langwith restoration scheme to remove tree planting around the edge of the lake would provide further benefits and have no negative cumulative impacts in terms of the wider area.

- 10.43 Representations from members of the public have stated objections due to the impact on wildlife including voles, badgers and geese. Objections further state they believe the applicant understates the importance of the application site for both nesting, wintering and migrant birds and notably the globally near threatened Curlew. It is considered that the applicant's updated ecology chapter has satisfactorily addressed the impacts on all species and the indicative landscape framework gives an acceptable baseline for what is to be provided on site to mitigate the loss of the wet grassland and agricultural fields which are currently utilised by the curlew. During the implementation of the indicative landscape framework the applicant would engage with the Lower Ure Conservation Trust (LUCT), any other relevant

conservation bodies such as the RSPB or YWT and the Council to provide the best scheme possible for the area which if deemed appropriate, would amend the current scheme to provide further benefits. This has worked successfully in previous phases of the quarry with, for example, additional reed beds being provided in previously restored areas. The indicative landscape framework though in its current form gives enough biodiversity net gain and benefits to the site to be considered acceptable. One comment from a representation requested clarification on the wetland mosaic and wet grassland. It is considered that the applicant's further information and the indicative landscape framework show this type of habitat as Aquatic marginal and Fen type vegetation for which the current scheme significantly increases the amount of specifically in the Langwith Lake area.

- 10.44 The Yorkshire Wildlife Trust (YWT) in their latest consultation response stated they were happy engagement with the LUCT has taken place and an outline landscape and biodiversity management and maintenance plan (OLBMMP) had been provided. However, they still requested a detailed restoration proposal prior to determination as the Indicative Landscape Framework and OLBMMP are considered to be very high level but do support a framework. This view is also supported by LUCT and the RSPB who state that a holistic landscape plan is required which includes the wider landscape and the Thornborough Henges, further stating the current plan fails in creating a new landscape which would be sympathetic to the area history with the required funding in place. Notwithstanding this, it is considered that enough detail has been provided for the application to be considered as the Indicative Landscape Framework sets an acceptable baseline for the works which are required to be implemented. The need for the specific detailed restoration design is able to be confirmed through condition and its long term management secured also through the S106 legal agreement with required for the submission of a Detailed Landscape and Biodiversity Maintenance and Management Plan which would include further consultation with the relevant stakeholders. It is not considered in this instance that a holistic masterplan for the wider area, including the Henges to be secured through this application is reasonable or enforceable in the circumstances. Furthermore the scheme is considered to be in compliance with policy D10 point v as the scheme would not take away from the importance of the heritage asset of the henges and the restoration of the site would enhance the biodiversity of the area and secure the long term management of the site for 30 years. It would also with the improvements to the public rights of way networks in the area facilitate further enjoyment of the henges and the historic environment of the area. The local planning authority believe that the S106 requirements of a Strategic Management Plan which gives objectives for the protection of the historic character and nature conservation of the area along with the requirement for a detailed Landscape and Biodiversity Management and Maintenance plan (DLBMMP) give enough certainty that a scheme can be implemented which would have significant nature conservation and amenity enhancements for the area while respecting the historic environment, with the requirements for funding to be included in the DLBMMP. Due to this it is considered that the proposed development is in compliance with point viii) of MWJP policy D10 as it would achieve significant net gains for biodiversity and help to add to the previous restoration of the quarry site which has created ecological networks within the area. The Oaklands proposal would add to these networks and wider landscape through a high quality restoration scheme, long term management and aftercare scheme which would benefit the environment, with the proposed wet grassland and fen environments to add to the existing in the Swale and Ure valley, along with further species rich grasslands on the magnesian ridge. To support this the S106 agreement would include a requirement for an appropriate conservation body to be included in the long term management of the site as a sub-contractor to aid in achieving the high quality restoration and aftercare of the site.

- 10.45 The Yorkshire Wildlife Trust's (YWT) main concern is the wet grassland habitat which is critical to the restoration for Curlew due to the loss of foraging habitat with the additional waterbody. The LUCT in their response state similar issues in regard to the impact of the loss of large areas of organic/peaty soils which are important for Curlew and Snipe along with the RSPB stating that the EclA under values the key role of the Nosterfield Complex to Curlew and that they have concerns regarding the habitats which are being prioritised. The applicant's response to this was outlined in an email on the 17th July 2023 which stated the re-designed scheme has specifically sought to include this type of vegetation following the consultation with LUCT as it is understood this type of grassland has been lost in recent years. The applicant states that this area has been maximised as much as possible and reviewed by the LUCT with the marginal habitats surrounding the lakes being propagated by LUCT with fen type species. A further objection after this response from the agent was also received from the LUCT.
- 10.46 The applicant further stated in response to YWT that there would be an additional 4.35 hectares of fen type marginal habitat (excluding reed beds) through the proposed scheme along with at least 12 wader scrapes which are identified on the Indicative Landscape Framework drawing within the 4 hectares neutral grassland created around the land bridge, where public access will be restricted, which would compensate for the loss of the arable land which is currently utilised by the Curlew. The applicant stated they would be happy to work with the YWT and RSPB in the preparation of a final landscape and restoration scheme as well as the long-term management plan requirements. A further response was received from LUCT and RSPB after this stating that the Nosterfield site has lost approximately 30 hectares of "peat" soils and this Oaklands extension would increase this to 35 hectares, with the value of these intrinsically organic and seasonally wet soils being an important foraging area for many species. LUCT believe a clear commitment is required in regard to this type of landscape and the scheme should provide more of this priority habitat which is stated in policy D10 of the MWJP. Further stating that the indicative landscape framework focuses on the "species rich grassland" instead of wet grassland and fen, with narrow linear strip of habitat being limited for potential wildlife and difficult to manage cohesively.
- 10.47 Whilst the YWT, RSPB and LUCT have taken the position that the proposal is in conflict with MWJP Policy D10 in regard to reclamation and afteruse, this is not considered to be the case by the local planning authority as the proposal incorporates a high quality indicative landscape framework which gives a basis for a high quality detailed restoration scheme which has been carefully considered to take into account all stakeholders in the area and fits in with the wider landscapes of the Swale and Ure Valley adding to the existing nature reserve which has been created due to previous quarrying in the vicinity of the site. The proposal would provide a biodiversity net gain of 11.82% in total, with a 77.66% increase in regard to hedgerow improvements and 36.42% increase in regard to the river (Ings Goit) to be achieved on the site as part of the restoration and long-term management. The above paragraph outlines the amount of fen type vegetation within the application site area proposed to be created through the restoration at 4.35 hectares, along with the 12 wader scrapes on damp grassland with more in the wider Nosterfield quarry site. It is considered that the indicative landscape framework includes sufficient mitigation for the loss of the two agricultural fields and is in compliance with MWJP policy D10 part 1 as the applicant has engaged with the local authority and local stakeholders to discuss the proposals and taken into account the Nosterfield Nature reserve and wetland habitats. The applicant when creating the scheme has utilised the materials on site for restoration purposes, which would be completed in a phased manner and

would have to time to establish through a long term management period in total of 30 years (including the 5 year statutory aftercare period), which is considered to give rise to positive impacts, maximising the potential of the site. In regard to part 2 of policy D10 of the MWJP the scheme is considered acceptable as it would in regard to point ii) would minimise flooding in upstream and downstream locations due to the water control measures and this is confirmed through no objections from the Environment Agency, Lead Local Flood Authority or the Internal Drainage Board. In regard to point iv) would take into consideration the airfield safeguarding zones with the bird hazard management plan, in regard to point viii) would achieve significant net gains for biodiversity and would contribute with 4.35 hectares of wet grassland and fen in the swale and Ure Valley, which due to size of the fields being lost and the other biodiversity benefits through the scheme is deemed acceptable in this instance. To confirm that the 10% net gain can be achieved on site condition 43 has been attached to the draft schedule for a net gain plan to be submitted prior to the commencement of development.

- 10.48 The Oaklands extension as the final extension for the site should be considered specifically in regard to the two fields it is removing from the local landscape of which includes 5.41 hectares of grades 1 and 2 Best and Most Versatile Land (BMV) and approximately 10.19 ha of Grade 3b non BMV land. In regard to the impact of this loss and the proposed restoration it is considered that the scheme put forward including 4.35 hectares of priority fen wetland habitat is approximately a third of the site and deemed significant in the circumstances and is therefore not in conflict with policy D10. In addition to this the plant site part of the proposed site the is already approved for extraction and would be extracted under the Langwith extension (Ref. C2/11/02057/FUL) if the Oaklands permission was not granted and the Langwith restoration scheme would be able to be implemented as is without the need for the current S73 application these further benefits would not be required to be implemented. These further benefits as shown on the proposed Indicative Landscape Framework includes the extended further reed beds and marginal fen wetland on the shores of the Langwith lake give further benefits to the site. The applicant has stated that the Indicative Landscape Framework is the baseline for the minimum that could be achieved on the site and point to previous phases of extraction and restoration at the site where they have worked with the LUCT and others to improve the scheme during detailed design, which has when implemented resulted for example in significantly more reed beds on site than in the previously approved designs, which has been successful for the area.
- 10.49 The YWT requests a detailed restoration plan which is to be conditioned and would be required along with a long-term management plan being secured via a S106 legal agreement. The DLBMMP would satisfy a significant proportion of the requirements stated by the LUCT as it would secure the implementation of the long term management and maintenance of the site with specific requirements of each type of habitat. Due to the detail required in this document though it is not considered reasonable for this information to be required at this stage of the planning process and would be required to be submitted within 24 months of the permission as an obligation of the S106 agreement and would require consultation with the strategic management group. It is considered an additional schedule of the S106 agreement would be added to require the use of an appropriate conservation body as a sub-contractor to complete the restoration, aftercare and long term management to make sure these are completed to the highest standard. If there was any non-compliance with conditions or the S106 the Council would have the power to take enforcement action requesting this information. The current Langwith scheme through a S39 legal agreement included a requirement for the land to be transferred to a Conservation Body to which has been complied with as a significant proportion of the Kiln and

Flasks lake area land has been transferred to the LUCT, with the LUCT having the option for a further final northern area of Kiln lake.

- 10.50 It is considered that the proposed advance planting would mitigate the loss of any biodiversity on the site and that it is not considered that the application would result in the loss of biodiversity or any species of importance. The proposal is considered to be in compliance with Policy E3 (natural environment) of the Hambleton Local Plan as it sufficiently demonstrates a net gain for biodiversity on the site as stated by the Ecologist in their consultation response. The SINC's in the local area have been considered and the indicative landscape framework has been designed to lessen the impact on these special character areas with a restoration masterplan that sets out a vision for the restoration of the application which includes those that are SINC's. Furthermore, Hambleton Local plan Policy E3 can be satisfied due to the long term management agreed through the statutory 5 year aftercare period and the 25 year management plan, which builds upon the existing agreements for the site for the Langwith extension. The updated Nosterfield and Thornborough Strategic Management Plan would give an overall vision for the site with the Detailed Landscape and Biodiversity Maintenance and Management Plan giving the specific detail on how this strategic vision would be implemented. It is also considered that the need for the mineral and for it to be worked where it is found, along with the applicant's justification that the continuation of working on this site would have significantly less of an impact than a new sand and gravel site in the area, which is discussed in more detail in paragraph 10.5-10.7 as the existing site infrastructure can be utilised including the dredger which would only be viable for use on a large scale operational site such as this.
- 10.51 This proposal is also considered to be in compliance with criterion 3 of the MWJP Policy D07 in regard to biodiversity and geodiversity as although the development would lose mature trees, the development is accompanied by a detailed assessment of the potential impacts and puts forward satisfactory mitigation to compensate this loss with a preliminary ecological appraisal and a number of species specific surveys within the ES chapter. Taking into account the information provided with the application and the consultation responses, it is not considered that the extension would give rise to any direct or indirect impacts on the SINC's and the restoration, aftercare and long term management would safeguard the biodiversity of the site. There is an overriding need for the minerals extraction and that as minerals can only be extracted where they are found, there cannot be an alternative location. In this instance, the applicant has provided replacement compensatory habitats on site in regards specifically to badger, bats and birds. Therefore, the proposal is also considered to be in compliance with the Hambleton Local Plan Policy E3 and S5. This is consistent with NPPF paragraphs 174 and 179 in regard to contributing to and enhancing the natural and local environment by protecting existing sites and promoting conservation, restoration and enhancement of priority habitats.
- 10.52 The compensation provided in this instance would enhance the site in terms of biodiversity and safeguard the three SINC's in the vicinity linked to previous quarry restoration and other habitats for the future. Although the proposed mineral operation would significantly alter the site's current landform, the restoration and aftercare scheme stated within the Outline Landscape and Biodiversity Maintenance and Management Plan (OLBMMP) would in the long term provide a sustainable future for the SINC's and wider site, which conserves the natural environment, flora and fauna of the area. There are objections from the LUCT in regard to the proposed scheme not taking into consideration the wider landscape and specifically the historic environment. It is though considered that the long term management aims and objectives for the OLBMMP are to conserve and develop the amenity value of the

restored site and it is believed that sufficient information has been provided to the Local Planning Authority to justify this, taking into account the historic environment of the henges and trying to create a habitat through the restoration which fits in with what the historic landscape would have been in place previously. The detailed landscape and biodiversity management and maintenance plan would also build on this outline plan giving more specific detail on how this would be achieved. The Strategic Management group and required updated plan also add to this as well giving further aims for the wider area and a mechanism for this to be discussed with relevant stakeholders. The proposal is also considered to be in compliance with Hambleton Local Plan Policy S5 and Policy E3 in regard to using the opportunity of the development to secure the long term future of the site and re-create priority habitats.

- 10.53 The YWT and LUCT requested clarity on the 30 year Long term management in line with Biodiversity Net Gain (BNG), with sufficient funding for long term sustainability and integrity of the habitats, which covers the whole site which is adaptive and can change with any issues arising. It is considered that this will be covered by the aftercare scheme condition for the first 5 years, which is condition 35 and required prior to the completion of minerals extraction. The S106 legal agreement would include the required for a further 25-year long term management through the DLBMMP. The detailed plan would include specific management requirements which are not required at this stage of the process before determination and secure the implementation and delivery of the long term management. In regard to the long term management of the site, the Ecologist requests this is completed through a detailed management plan for a net period of no less than 30 years and includes opportunities for access and education. The long term management is also required to include condition surveys and repeat BNG assessments to demonstrate the success of the scheme.
- 10.54 Provided 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. These benefits would be fulfilled on completion of the restoration on the site. In addition to this, it is considered that the advance planting would give an immediate benefit to the site and its restoration would be progressive. Those effects likely to arise during extraction are considered to be capable of being controlled by the use of appropriately worded planning conditions were planning permission to be forthcoming. In regard to the required conditions, these include a condition regarding the ecological mitigation measures within the ES being adhered to (condition 23), the requirement for further ecological survey in regard to badgers (condition 24) and the requirement of a Construction Environmental Management Plan (CEMP): Biodiversity (Condition 25). It is, however, considered important that the details of the long term management of the site should be secured through a S106 Legal Agreement, with a 25 year aftercare scheme and long term management of the site. With these considerations taken into account, the proposed development is not considered to conflict with the relevant policies to which reference has been made above i.e. Hambleton Local Plan policies S5 and E3 and MWJP policies D06, D07, D10 and D12. It is considered that the applicant's principal objective in the design of the scheme has been to protect, restore, enhance biodiversity on the site. The development would safeguard sites of nature conservation interest and protected species and, in the longer term, the proposed restoration has the potential to enhance biodiversity in the area. It is therefore considered that the development would be in accordance with the NPPF and Planning Policy Guidance for the natural environment.

Restoration and Aftercare

- 10.55 Chapter 3 of the ES in regard to the Project Description gives an outline of the restoration and aftercare. This is built upon by the Outline Landscape and Biodiversity Maintenance Landscape Management Plan (OLBMMP) submitted in support of the application. Details of the restoration of the site can be found in the description of the proposal section of the report from points 5.7-5.12, with further detail in paragraph 8.3-8.6 of the report in regard to the Environmental Statement. The Indicative Landscape Framework Plan submitted with the application is attached to this report as Appendix C. The restoration plan outlines the site office, car parking area and workshop would be removed from the site after the final restoration of the quarry; however the visitor centre next to the site entrance would be retained. The relevant policy of the MWLP is D10 in regard to reclamation and aftercare which states proposals have to demonstrate a high standard appropriate to the scale and location which take into account site context, range of environmental and other assets in the area, reflect the potential for adverse impacts including cumulative impacts and maximise the potential overall of benefits. It also requires climate change to be taken into account and make the best use of onsite materials to deliver a high standard of restoration, which is progressively completed, with long term management agreed. Part 2 of the policies gives specific areas the relevant ones in this application being point i) in regard to BMV land and the protection and enhancement of soils, point ii) in regard to additional flood storage capacity to minimise flooding in the river Swale and Ure catchment areas) respecting airfield safeguarding requirements, v) protecting the significance of heritage assets and point viii) in regard to achieving significant net gains for biodiversity.
- 10.56 The Indicative Landscape Framework for the proposed development has taken into consideration the proximity of the three SINCS in the vicinity of the site which are all previously restored quarry workings. The applicant has presented a scheme which would provide significant biodiversity enhancements and protect the existing water bodies and woodland in the area and in proximity to the proposed development, looking at the wider Nosterfield site as a whole. This is supported by the consultation responses from the Ecologist and Landscape Officer who state they are broadly in agreement with the restoration concept. The Landscape Officer requested adjustments to the restoration scheme which are detailed in the Landscape section of this report in paragraphs 10.23-10.39. Revision D of the Indicative Landscape Framework now proposed takes into account all the stakeholders in the area's views and the consultation responses and, as best as possible, balances these viewpoints. The Oaklands proposal also takes into account the extant Langwith scheme and the areas where there is crossover between the two has amended this scheme to provide further biodiversity benefits in addition to what was previously approved due to a change in what is now considered the best for the site in terms of nature conservation. Amendments to the scheme since submission have increased the amenity of the site through further footpaths without compromising the nature conservation aspects of the site keeping some areas with no public access and less tree cover to safeguard specific protected species such as Curlew. It is considered this is in compliance with Hambleton Local Plan Policy S5 in regard to the protection of the landscape character of the area. The Yorkshire Wildlife Trust is also generally supportive of less tree cover in the updated scheme on the wider site within the restoration proposals. It is therefore considered that there would be no cumulative impacts when taking into account the proposed Oaklands extension with the existing Langwith scheme or the proposed amended Langwith scheme which would provide further biodiversity benefits. The permission for the extraction, restoration and aftercare period of the Nosterfield plant site is currently approved through the Langwith extension permission (NY/2011/0242/ENV). If the Oaklands extension (NY/2022/0022/ENV) is granted and implemented, this would require that the

Nosterfield plant site would be extracted, restored and put into aftercare through the Oaklands permission. If the Oaklands extension is granted but not implemented, the plant site extraction, restoration and aftercare would be required to be controlled via the extant Langwith permission. Therefore the local planning authority have control over the extraction and restoration of this area in both instances and if necessary, would have enforcement powers if the phasing of the extraction quarry was not followed.

- 10.57 The extant Langwith extension is currently subject to the statutory 5-year aftercare period which would be completed through the imposition of a condition and a 25-year long term management period. The other previously restored areas of the quarry also have a requirement of a 25-year management period. The same requirement would be attached to the Oaklands extension with a 5-year aftercare condition and 25-year long term detailed landscape and biodiversity maintenance and management plan (DLBMMP) through the S106 legal agreement. Further clarity on the long term management of the site was requested by the Landscape Officer, Ecologist and Yorkshire Wildlife Trust on the contents of the S106 legal agreement and it is considered that points a) to m) would be required to be included in any DLBMMP:
- a) Description and evaluation of features to be managed including all habitat creation
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organization responsible for implementation of the plan;
 - h) Ongoing monitoring, condition surveys, repeat Biodiversity net gain assessments and remedial measures.
 - i) Specific provision for the permissive footpaths, waymarking and interpretation.
 - j) Specific provision for water control structures and the long term maintenance and management of these structures.
 - k) Specific provision for the retained use of the visitor centre (including the associated car park and access);
 - l) Responsibilities and scope of educational use, delivery and funding for this within the management period.
 - m) Any special provision for the Conservation Body's site facilities.

The Section 106 legal agreement would also include the requirement for the submission of an updated Nosterfield Strategic Management Plan to give a further strategic viewpoint on how the site fits into the wider landscape and stakeholders in the area including English Heritage who now own Thornborough Henges, which have been handed over by the applicant under the requirements of the Langwith Permission it is considered that this is in compliance with MWJP policy S10 part 2 point v) in regards to the protecting the significance of heritage assets. A response from the MOD also acknowledged that the restoration has been designed to be unattractive to hazardous bird species but required an updated bird hazard management plan, one of which is already in place for the site during the Langwith works. The applicant provided this plan as part of the application process and the consultee is satisfied this is acceptable and it is considered to be required to be secured through the S106 legal agreement in addition to the long-term management of the site. It is considered that this is in compliance with MWJP policy D10 part 2

point iv). In regard to biodiversity and nature conservation, it is considered that the proposed development would, once restored, adequately mitigate the loss of the current agricultural fields. A further schedule of the S106 agreement would also be required to secure specialist appropriate conservation body as sub-contractor to complete the long term management of the site.

- 10.58 The requirement for securing the aftercare of the site is considered to be in compliance with Policy D10 of the MWJP which states that proposals that require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard, 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. Consideration of the policy D10 specifically regarding biodiversity and the protection of soils is set out in paragraph 10.47-10.49 and it is considered that the proposed indicative landscape framework follows the MWJP policies D02 (local amenity and cumulative impact) as the restoration and aftercare would not have any unacceptable impacts regarding noise, dust, disruption of public rights of way due to robust mitigation measures which would be conditioned. It is in compliance with D06 (Landscape) as it would provide for a high standard of design and the mitigation for the impact of the development through the indicative landscape scheme and long term management would take into account the wider landscape and be secured through the S106 agreement. In regard to D07 Biodiversity and Geodiversity this has been covered in the above paragraph 10.51 however specifically in regards to restoration and aftercare it is considered that the proposal demonstrates that the mitigation measures for the loss of specific habitats and the level of protection for the designated sites in the restoration and aftercare scheme is deemed to be acceptable and would contribute positively to biodiversity objectives for the wider area including the LUCT managed land in proximity to the site. Furthermore the intended nature conservation use would be the best practicable use of the land and would be carried out at the earliest possible opportunity in line with the other areas of the quarry previously worked including the extant Langwith permission for the restoration of the site. The restoration scheme is also in compliance with Policy S5 of the Hambleton Local Plan as the proposal site's restoration has been designed to fit in with the wider landscape of the area and tie in with the previous quarry working areas which parts of are now the Nosterfield Nature Reserve and a SINC. The restoration provides amenity value for the area in terms of tourism with the footpaths, Visitor Centre and the nature conservation and biodiversity requirements also tying in with the Thornborough Henges historic value. The requirement for a detailed Landscape and Biodiversity Maintenance and Management Plan is also considered to be in compliance with Hambleton Local Plan Policy E3 as it would ensure biodiversity net gain is achieved within the site and managed for the 30 year period with repeat surveys during this time period to confirm this.
- 10.59 During the application process there has been concern from local residents and Carthorpe Parish Council in regard to the incomplete reinstatement of the land and the specific restoration of the site in terms of the wetland mosaic and wet grassland not being clear in the indicative landscape framework which are required to take account of the wintering wader flocks of Curlew, Lapwing and geese species. Residents have also been concerned regarding the scheme's impact on the great biodiversity benefits from the existing Nosterfield complex, requesting any further development avoids harming this. The LUCT and RSPB have also stated similar concerns regarding the amount of fen and wet grassland vegetation. It is considered

that the further information provided from the applicant after the initial submission has provided sufficient information for the Council to be confident that the indicative landscape framework and the requirement for a detailed restoration scheme would provide enough wet grassland areas and be of a sufficient standard to continue the biodiversity benefits already gained on site which were also ascertained through quarrying and these previously restored areas, which is in conflict with the view of the RSPB and Yorkshire Wildlife Trust. It is considered that the issues stated by the RSPB, Yorkshire Wildlife Trust and LUCT can be remedied through the addition of the S106 legal agreement for the long term management through the Detailed Landscape and Biodiversity Maintenance and Management Plan which secures the aftercare commitments for the site, the Council have enforcement powers if it was considered that the site was not being satisfactorily restored which would be checked on an annual basis through site monitoring, liaison meetings and the requirement of annual reports to be prepared and submitted to the Council, required through condition 38.

- 10.60 It is considered that the proposed restoration and aftercare scheme for the site, as outlined in paragraph 5.7-5.12 of this report and this section of the material considerations, is a high quality restoration and aftercare scheme that would safeguard the biodiversity of the site and add value to the area. The Ecologist states they are satisfied that the information provided gives a satisfactory level of restoration and can be secured through conditions and a S106 legal agreement. It is also considered that, although there are objections to the application from the Yorkshire Wildlife Trust, RSPB, LUCT and residents, the applicant has shown that the indicative landscape framework and the requirement for a detailed restoration scheme condition would provide significant nature conservation benefits to the area and that this does not conflict with the development plan. 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 for agricultural after-use to enhance the woodland and improve the magnesian limestone grassland. The proposal is also considered to be in compliance with MWJP policies D02, D06, D07, D10 and D12. It is also considered that the proposed development is compliant with the Equality act (2010) and the Human Rights Act as its impacts would be mitigated through the conditions for advance planting and a high quality aftercare scheme which would protect the local landscape for all local residents and the right to the peaceful enjoyment of one's property.

Soils and Agricultural Land Use

- 10.61 Chapter 8 of the ES comprises an assessment of soil resources, their conservation and management including an Agricultural Land Classification (ALC) assessment. The scheme would result in the loss of 15.6 hectares of arable agricultural land. The ALC assessment (soil classification grades 1-5) has found that there 5.41 hectares of grades 1 and 2 BMV land, no Grade 3a (BMV) on the site but approximately 10.19 ha is Grade 3b. The NPPF Paragraph 174 states planning decisions should recognise the intrinsic character of BMV land, but it is also acknowledged in the Planning Practice Guidance that minerals can only be worked (i.e. extracted) where they naturally occur; so location options for the economically viable and environmentally acceptable extraction of minerals are limited.
- 10.62 Policies D10 and D12 of the MWJP are relevant in relation to reclamation and aftercare which seeks to require restoration to be carried out to the highest standard appropriate to the location's scale. Further stating in regard to minerals developments

the criterion i) *“In areas of best and most versatile agricultural land, 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”*. In regard to MWJP Policy D12 states proposals should seek to protect BMV land from unnecessary and irreversible loss, with high quality aftercare and proposals are required to demonstrate that all practicable steps will be taken to conserve and manage soil in a sustainable way.

- 10.63 The proposed development, during the operational phase, would involve soil stripping, extraction and processing of crushed rock and transporting the mineral to market by road. There would be a continuation of good practice in terms of the handling of soils during stripping and their storage prior to restoration at the end of extraction to ensure their long term integrity and viability for future habitat creation in the restoration scheme. The retained trees and hedgerows would be protected, prior to soil storage, with appropriate standoffs and fencing to ensure that sensitive areas are protected from vehicles, plant and equipment. Tree protection measures have not been provided and a pre-commencement condition 31 in the draft schedule therefore requests the submission of this information.
- 10.64 Due to the way sand and gravel is worked, it would not be possible to fully reinstate this land for agricultural land use or internal field boundaries. An objection has been received in regard to the impact on the farming landscape which would be irreversible. The Lower Ure Conservation Trust (LUCT) state the loss of peat soils on the site over the last three decades being an issue with this proposal losing an additional approximate 5 hectares on top of 30 hectares already lost. Although the cumulative impact of the loss of soils is relevant it is considered though that the previous 30 hectares lost have been mitigated in previous applications and their restoration schemes. The current scheme is focussed on mitigating this additional 5 hectare loss. As minerals can only be worked where they are found it is considered that the loss of the grade 1 and 2 land in this instance is justified. It is though considered that the Indicative Landscape Framework (Rev D) and Outline Landscape and Biodiversity Management and maintenance plan provides sufficient mitigation for the loss of this farming landscape and the protection of the existing soils to be utilised in the restoration of the site. In order to protect the soils on site, it is considered that further conditions are required in regard to soil management, with the approval of the soil storage through condition 27 and condition 28 which limit the time period for stripping soil to protect soil quality and condition 32 in regard to advance planting and screen bunds screen bunds. Due to this it is considered that the application is in compliance with Policy D12 of the MWJP. It is also considered in compliance with Policy D10 as condition 31 in regard to the landscaping scheme requires the applicant to submit the proposed use of the high quality peaty/organic soils for the restoration of the site to secure the use of these soils in the most appropriate manor. It is considered in regard to climate change that peaty soil is an important resource and this is recognised in this application and due to this within the landscape scheme condition there is a requirement through the submission of further information for where this high quality peaty soil would be utilised on site to make sure the highest quality restoration is achieved. In addition to this there are also conditions in relation to the protection of soils which are to be stripped from the site to make sure that there is minimal loss of the quality of the soils while these are stored prior to be utilised in the restoration of the site. In addition to this it is also not considered that the new scheme would have a significant cumulative impact on the wider area, when taking into account the existing site or the proposed amendments to the Langwith scheme which would not involve any further loss of soils or agricultural land.

- 10.66 The proposed extension would contribute to a steady supply of sand and gravel to support the landbank referred to in Paragraph 209 of the NPPF and Paragraph 211 which advises planning authorities to give great weight to the benefits of the mineral extraction including to the economy. In regard to the NPPF, the proposal is consistent with the principles of paragraph 174 and 180 of the NPPF as the loss of BMV land is not significant and can be mitigated through the management of soil resources on the site and the use of these in the final restoration land and the benefits of mineral extraction and the security of supply in the Plan area (paragraphs 211 and 209 of the NPPF) combined with the after use outweighs the loss of the BMV agricultural land BMV land. It is considered that the proposed management of the soils is in compliance with the Hambleton Local Plan Policy E3 as the proposal demonstrates soil resources would be protected and used sustainably and that, in this instance, it has been shown that the loss of BMV land is necessary for the development and would not be significant and would still be mitigated through a high-quality restoration scheme. Therefore, there is no significant harm to the area and biodiversity and geodiversity are being protected.
- 10.66 It is considered that the loss of the agricultural land is relatively small and that, through the implementation of a series of mitigation measures, the site overall can be restored to a nature conservation use. The inclusion of standard conditions relating to soil stripping, handling, storage and replacement should be attached to any permission granted which are conditions 27 and 28 of the draft schedule of conditions. In light of the above, it is considered that there is no conflict with Policy E3 of the Hambleton Local Plan as the proposed mineral extraction is required to be worked where it is found and the information provided with the application is considered acceptable in terms of soil management and would be secured through the conditions stated in this paragraph. The proposed development is also considered to be in compliance with policies D10 and D12 of the MWJP.

Flood Risk, Water and Drainage

- 10.67 Chapter 9 of the ES focuses on water and the application also includes a Flood Risk Assessment and Drainage Impact Assessment. The application site is within Flood Zone 3, specifically around the Ings Goit watercourse. The Flood Risk Assessment and ES chapter on water submitted with the application considers the potential of flooding onsite and how the proposal would contribute to flood risk off site. The assessment states there would be no change to the current operational plant area or the Langwith extension covered by previous permissions. In regard to the Langwith extension, in 2023 a water control structure has been implemented on the eastern boundary of the site to let water out of the Langwith Lake and control water levels on wider site further. The assessment for this application focuses on the Oaklands extension area. The Oaklands extension site currently consists of grassed agricultural land with minimal impermeable ground. 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. The quarry is presently worked below the groundwater levels and it is proposed that the Oaklands extension would be worked in the same manner. The Ings Goit large field drain runs east to west through the site. Further information on this can be found in paragraph 8.6 in regard to the Water resources chapter of the ES. The proposal includes the addition of a water control structure on the western boundary of the site where the water would ingress to the Oaklands Lake once restoration is completed.
- 10.68 The Flood Risk Assessment looks at the fluvial, groundwater, sewers and water mains and pluvial (surface water) and states that it is highly unlikely that surface water flow rates, water supplies, quality and water dependant features in the vicinity

of the site would be adversely affected. There is no risk from tidal or artificial sources within the application site boundary. In regard to fluvial sources, the site, being within Flood Zone 3 (and part of the functional pluvial floodplain), has accordingly a high probability (1% to 3.3%) of being subject to fluvial flooding. The proposed site would be worked under the water table level with a dredger and, where necessary, an excavator. It is considered that the Drainage Strategy which was approved for the Langwith extension is still considered appropriate and it is considered that this proposed development would therefore be able to use that same strategy as there would be minimal changes to this during the operational phase of the development. Surface water would be able to disperse via infiltration or would be conveyed to a wetland area to the south with no pathways off site. It is not considered there would be any significant cumulative effects of this continued strategy in regard to surface water drainage as the Langwith extension would be fully worked out before the Oaklands scheme was begun with the dredger once works are below the water table being moved into the Oaklands extension area. The main change from the existing Langwith permission would be the location of the water control structure at present through the Langwith permission this would be on the eastern boundary of the Oaklands land, however with further extraction in this location the structure would if the Oaklands scheme were to be approved be on the western boundary where the site meets the Ings Goit. It is not considered that amendment would have any significant cumulative impact on the wider Ings Goit and would still be implemented in the same process with the same objectives. This proposal would delay the implementation of this structure due to the time required to extract the mineral, however it is not considered a significant cumulative impact and mitigation as stated would be in place throughout the extraction process.

- 10.69 The Lead Local Flood Authority (LLFA) commented initially requesting further information which was submitted. It provided further technical information and an additional drawing in regard to surface water drainage and flood risk management. A further consultation response from the LLFA stated they were satisfied with the information provided and had no objections in regard to the application. The Environment Agency (EA) also commented on the application requesting conditions regarding a scheme for the storage of chemicals, fuel, other hazardous materials, wheel washing facilities and a scheme for water monitoring. The EA also requested that an impoundment licence for Ings Goit and stated that amendments to the Environmental Permit would be required, which are outside the requirements of the planning authority to consider in the determination of the application.
- 10.70 During the consultation process the Council has received objections and comments from members of the public with regards to the impact of the quarry and this proposed extension on the Ings Goit watercourse. More specifically, comments have been made regarding the continued flow of Ings Goit, the lowering of the water table, downstream water abstraction and how this would be managed in the future. These concerns were also stated by the Swale and Ure Drainage Board (IDB) in their consultation responses requesting clarification of the maintenance and long term management of the water control structures on the site and how the downstream impacts would be monitored. To resolve this a meeting was set up between the IDB, the applicant and the Council to discuss the issues. As a consequence, it was agreed that the long term maintenance and management of the water control structures and the levels of water entering and leaving the site should be required to be secured in the Detailed Landscape and Biodiversity Management and Maintenance plan through the S106 legal agreement to make sure that these structures did not fall into disrepair and the water levels could be maintained at a stable level so that abstraction could be continued downstream. This is in addition to the IDB's statutory powers which are outside of the planning remit. The IDB have since sent a further response stating that

they were happy with this approach and that the IDB would engage with the applicant on an agreement for these management requirements to be completed by the IDB, separately to the planning permission. This agreement is not required as part of the planning approval, but the S106 legal agreement would require, as stated in paragraph 10.57 point j), that specific provision for water control structures and their long term maintenance and management is provided. A further LUCT response was received which reiterated the issues regarding water and requested clarity on the long term management of water structures. It is considered the inclusion of this requirement in the S106 legal agreement would regularise the outflow of Ings Goit of the Langwith extension water control structure which is now in place and would give the IDB the requirement for the approval of the further water control structure on the western boundary of the site and satisfy the issues stated by residents in relation to water levels in the proposed application. This would be in addition to the Internal Drainage Boards own statutory powers which are outside of the remit of the planning process.

- 10.71 Yorkshire Water have commented on the application stating there is a requirement for a condition to protect the public sewerage infrastructure within the site boundary. However, after investigation by the operator, it is considered that this public sewer running along Flask Lane has previously been truncated when extraction in the earlier lake was completed and this section of sewer would have been removed as it could not continue to run north through the previous quarry extraction area. The applicant has provided images which show the location of the northern part of the sewer inside an area which was extracted in 2002 and further images in 2012 showing that, by this date, the land had been infilled. To support this further, the Langwith extension area previous permission, after consultation and comments with Yorkshire Water, did not require a condition for protection of this sewer which is now believed to not be in situ. It is therefore considered in this instance that a condition should be added in line with the Langwith extension permission which is draft condition 35 of the schedule, requiring no building or obstruction located within 3 metres of the sewer and if there the stand-off is not able to be achieved then information will be required to be submitted to the planning authority. Yorkshire water in their latest consultation response stated they were happy with this condition.
- 10.72 Yorkshire Wildlife Trust and the LUCT have requested that the hydrology elements of the application are looked at by a specialised advisor employed by the Council. It is considered in this instance that the information provided by the applicant is sufficient in its current form and that the statutory consultation process has been completed with no specific issues stated in regard to hydrology which cannot otherwise be managed through the S106 legal agreement in regard to the water control structures or conditions in regard to the water levels (condition 22), drainage (condition 34 and protection of sewers (condition 35). Therefore, it is considered that sufficient expertise exists within the planning team and the consultation responses to assess the application and recommend approval in this instance.
- 10.73 Policies D02 (local amenity) and D09 (water environment) of the MWJP have the aims of safeguarding communities from emissions to land and water and state 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 the quality and/or character of the landscape, having taken into account any proposed mitigation measures. It is considered that the development, including the new water control structures and the creation of Oaklands Water through minerals extraction, would not give rise to any unacceptable adverse impacts upon

the water environment. The proposed development is considered to be in compliance with Policy D02 and Policy D09 of the MWJP and Policy RM3 of the Hambleton Local Plan as the proposal takes into consideration its scale, nature and location with appropriate drainage systems and that the water levels on site would be adequately managed through the condition 22 of the draft schedule in regards to the inflow into Ings Goit and the maintained water levels in the site and condition 34 for the drainage scheme as well as the S106 legal agreement requiring the long term maintenance and management of the water control structures. In regard to other development plan policies, the proposal is also considered to be in compliance with Hambleton Local Plan policies RM1, RM2 and RM5. The aims of these policies are to protect water resources from adverse effects of development. They state further that, where required, development should include a site specific Flood Risk Assessment and be able to demonstrate the proposal would not increase flood risk elsewhere. The relevant point to this proposal is that the ES includes a chapter on water resources and the application includes a Flood Risk Assessment. The assessment concludes the site would not have a negative effect on the area in regard to flood risk and there are no objections from the Environment Agency or the LLFA in regard to flood risk or groundwater contamination. This is also consistent with NPPF paragraph 174 in relation to developments not contributing to unacceptable levels of water pollution.

- 10.74 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 considered to be in compliance with MWJP policies D02 and D09 in regard to the water environment and water quality and mitigation can be secured through conditions. The proposal is also considered to be in compliance with Hambleton Local Plan policies S1 RM1, RM2, RM3, and RM5 in regard to flood risk and sustainable development.

Historic Environment

- 10.75 Historic England state that the application lies within the Thornborough Landscape which is recognised as one of the pre-eminent Neolithic and Bronze age landscapes in England. The applicant assesses the impact of this proposal on that landscape and other heritage assets within Chapter 10 of the ES and considered the relevant heritage assets in the area. The Cultural Heritage Chapter of the ES states: *“The character of the conservation area as experienced from within the village (meaning Well) will not be affected by the proposal. Similarly, there will be no change to the most important views of the Grade I and Grade II listed buildings along Church Street which illustrate their architectural and historic interest. Views of St Michaels Church from its churchyard will be unaffected as well as those within the grounds of Well Hall. The view to the east over the medieval core of the village from Well Bank will not be affected by the proposal nor will the view toward Church Street from the Old Schoolhouse.”*
- 10.76 The relevant Development Plan policies include Hambleton Local Plan Policy S1 and Policy E5 regarding the historic environment. The aim of these policies is to ensure a heritage asset and its setting is protected along with the features which contribute to its historic interest; further stating harm to elements of the asset would only be permitted where the public benefits outweigh the harm and is clearly justified. It is also assessed against Policy D08 (Historic Environment) of the MWJP which aims for minerals developments to conserve and where possible enhance heritage assets. Relevant to this application is criterion three which states that proposals that would result in less than substantial harm to a designated heritage asset would be permitted where this is outweighed by the public benefit of the proposal. Regarding the development plan, it is considered that although there is potential for the development to have some impact on the heritage assets, it is considered that this

would not be substantial harm as mitigation is in place to reduce these impacts. It is therefore considered that the public benefit of the mineral's extraction, which is required to be extracted where it is found, outweighs the minimal impact on the heritage assets in the short term and is further supported by how this impact over time would lessen even further. An objection regarding the application states the impact of the development on Thornborough Henges, it is considered that the applicant's ES and response from Historic England show that the Henges would not be impacted by the continuation of quarrying at the site as there would be no views of the site from the Henges and they are located sufficiently far away such that there would be no amenity issues regarding noise and dust.

- 10.77 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid in the exercise of planning functions to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. While this current application, *per se*, does not concern an application for Listed Building Consent, nor any proposals directly affecting such designations, it does lie within the vicinity of such assets and, therefore, the applicable test against which to assess such proposals is that '*special regard*' must be had to the "*desirability of preserving [such] building[s] or [their] setting or any features of special architectural or historic interest which [they] possess*".
- 10.78 The safeguarding against the potential adverse impacts upon interests of cultural and/or historic importance and/or heritage value from the effects associated with proposed developments is embedded within the core principles of the NPPF. Safeguarding of the historic landscape and interests of heritage value can be found within Paragraph 194 which ensures applicants have regard to the historic environment assessing both its setting and significance and wherever possible avoid or minimising a proposal's impacts on heritage assets. Paragraph 195 of the NPPF requires local authorities to identify and assess the particular significance of any heritage asset which may be affected by a proposed development and take this into account when considering the impact of the proposal. Additionally, Paragraphs 199, 200 and 201 are also relevant in their emphasis upon ensuring that a proposed development's impacts do not give rise to substantial harm within the historic environment, being mindful that a feature of interest may not necessarily be disregarded in any assessment solely by virtue of its non-designation, so long as a both a reasonable and proportionate approach is taken.
- 10.79 It is considered that the applicant has identified the heritage assets in the application details as required by Paragraph 194 of the NPPF with the assets potentially impacted including the Well Conservation Area, St Michaels Church (Grade I) and Well Hall. The outcome of seeking expert views through consultation on the application revealed no contrary views against the conclusions of the assessment of visual impacts upon designated assets and/or their settings and acknowledge they are capable of being mitigated to a sufficient degree so as not to be significantly adverse. There are features in the local landscape that would serve to minimise any potential significant adverse visual impact upon either of these nearest designated assets or their settings to a level sufficient to be considered acceptable in land use planning terms.
- 10.80 When the application is assessed against the criteria for Paragraph 199 of the NPPF, the planning judgement is that without mitigation there would be negligible adverse

effects. The assessment of the potential effects of the proposed development upon designated assets and their settings concluded the impact on views to and from the Conservation Area and listed buildings is considered to be negligible during the operational phase and although there would be a significant change in the landscape character on the application site itself this is at approximately 1km to 1.7km from the Well conservation area. When assessing the impact upon the Conservation Area, as a whole, the ES states that there would be negligible adverse impacts with the overall significance of effect being slight negative. It also states the impact on individual Grade II listed buildings in Well and Well Hall is considered to be neutral as it will not have an impact on how these assets are experienced or on key elements of their setting. In terms of St Michaels Church, which is Grade I listed, the impact on its setting is considered to be neutral during the operational phase due to longer distance views which include the church and village being unaffected by extraction activities and bunds. The application site is not visible from the listed buildings in Nosterfield and therefore there is a neutral impact on these with no additional traffic movements due to the requirement for HGVs to turn eastward along the B6267. This also satisfies paragraphs 206 and 207 of the NPPF in regard to the application site not having a significant impact on the Conservation Area.

- 10.81 In regard to the Scheduled Monument complex on Thornborough Moor, none of the operational phases or restoration would be visible and therefore the assessment concludes there is no visual impact on any designated heritage asset south of the site. It is considered due to the findings of the Heritage chapter of the ES there potential for very limited harm to the setting of the listed buildings in Well, the designated Scheduled Monument complex and the Conservation Area. Paragraph 200 of the NPPF states there must be clear and convincing justification for the development, in this instance the planning judgement is that there is a clear requirement for sand and gravel and that minerals can only be quarried where they are found. Paragraph 202 is also relevant in this instance and the planning judgement is that the proposal would cause no harm to the scheduled monument complex and is therefore deemed acceptable as would secure the sites optimum viable use. Taking into consideration the proposals as put forward and the NPPF's aims and objectives in this respect and the applicable test of Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 it is therefore considered, in this instance the proposal would not affect any listed building or its setting and special regard has been given to preserving the setting of the area. LUCT state in their objection there has been a lack of consideration of the historic environment in the indicative landscape framework and the need for a holistic master plan for the Thornborough Moor. It is not considered a wider master plan is reasonable or enforceable in the circumstances and the S106 requirement of a Nosterfield, Langwith and Thornborough Moor Strategic Management Plan includes objectives in regard to preserving the heritage of the area. It is considered that the current indicative landscape framework takes into account the heritage of the area with the inclusion of the land bridge and wetland grassland and fen being included in the scheme.
- 10.82 The Council's adviser on archaeology has confirmed that a scheme of archaeological mitigation recording should be undertaken in response to the ground disturbing works and requests two conditions in relation to the application in regard to the site following an approved Written Scheme of investigation (WSI) and a condition for the provision of analysis, publication and dissemination of results. Historic England state the archaeological strategy is appropriate and the proposal is in line with the MWJP and the NPPF and therefore also have no objections to the proposed development. The assessment of the potential impacts of the proposed development have been undertaken in accord with the guidance set down in respect of both designated and

non-designated heritage assets within the NPPF. The application takes into account the safeguarding of these assets and has shown the impact of the scheme is capable of being controlled by the imposition of appropriately worded conditions to screen the site from view and implement advance planting through condition 31.

- 10.83 In light of the above, it is considered that the impact of the proposal upon cultural heritage assets has been fully assessed and appropriate mitigation included in accordance with policy set down in respect of heritage assets within the NPPF and in compliance with Hambleton Local Plan Policy S1 and Policy E5 in regard to Heritage Assets due to in the council's planning judgement the applicant having clearly justifying within the ES that the proposal would not have significant impacts on the heritage assets due to mitigation secured by condition of advance planting. and therefore there would be no harm in relation to any heritage assets, furthermore there is no objection from Historic England in regard to the application. It is also therefore considered that the proposed development is in compliance with MWJP Policy D08 on the historic environment.

Highways matters

- 10.84 The ES includes an assessment within Chapter 14 of the impact of continued quarrying on various transport matters and a separate Transport Statement. The application confirms that there would be no changes to the volume, method and direction of traffic flows. It is considered that the proposed development would not increase HGV movements above those already permitted for the site and, therefore, the proposed development would not have a detrimental impact on the highway network. There are also existing wheel washing facilities on site which are proposed to remain. The mineral would continue to be extracted on a phased basis and traffic generated by the quarry would be based on an output of on average 250,000 tonnes per annum. The planning permission relating to the current working combines operational controls and mitigation measures including the sheeting of vehicles, the use of the access road and wheel wash facilities in order to ensure that the quarry operations are acceptable in terms of highways and transport and, where relevant, it is proposed to use those same controls as exist for other area of the Nosterfield Quarry site. These controls would be conditioned to any permission and are listed as conditions 8-12 at the end of this report. Furthermore, there are no objections from the Parish Councils or local residents on highways grounds.
- 10.85 The relevant local policy in the Hambleton Local Plan is Policy IC2 in regard to Transport and accessibility with specific reference to seeking a safe and efficient transport system where a proposal would only be supported where it is demonstrated it can be accommodated in the highways network. The Highway Authority acknowledge that the proposal represents a continuation of the existing levels of HGV traffic and that it would not have an adverse impact on the highway network on the whole, any more so than previously approved. The Highway Authority have no issues with the proposed development as the quarry has been operational for more than 20 years and would not cause any capacity issues on the road network. In light of the Highway Authority response, it is considered that Nosterfield Quarry's current highway conditions should which are extant for the other parts of Nosterfield Quarry (C2/11/02057/FUL, dated 9 December 2016) should also be applied in this instance should permission be forthcoming including the routing agreement within the S106 legal agreement. It is, therefore considered that this proposal is in compliance with the Hambleton Local Plan Policy IC2.
- 10.86 The relevant policies of the MWJP are Policy I01 and D03 in regard to encouraging the use of existing infrastructure and permitted transport of materials. They state proposals for road transport is to be permitted where necessary when there is

capacity within the existing network and there would be no unacceptable impact on local communities and businesses. It is considered appropriate that the conditions relating to further highway controls, imposed on the previous planning permissions for the site which are extant for the other parts of Nosterfield Quarry (ref. C2/11/02057/FUL, dated 9 December 2016) should also be applied in this instance in the event that planning permission is granted and, in addition to this, a condition limiting vehicle numbers to the numbers the applicant has provided would also give the Local Planning Authority further control on the management of the site. This would ensure that the proposed development does not result in any adverse impacts upon the local highway network in line with the highway protection elements of Hambleton Local Plan Policy IC2 in regard to sustainable development. The Transport Statement and Travel Plans submitted by the agent are considered acceptable there exists capacity in the highways network for the vehicle movements and the routing agreement through the proposed S106 legal agreement would seek to reduce traffic through Well and rural villages in the area. The specified route is to turn left on leaving the Nosterfield Site and then travel along the B6267 to the service road adjoining the A1(M) and then turning either left towards the Leeming Bar junction or right towards the Baldersby junction. It is therefore considered that the proposed development would not have any significant cumulative impacts in terms of highways, although it would extend the life of the quarry with further highways movements beyond the current end date of the quarry it is not considered to be significant and mitigation through conditions and the S106 would make sure that there would not be further cumulative impacts through the increase in size of the Nosterfield site.

- 10.87 The relevant paragraphs within the NPPF are 104-106 which require development proposals to consider transport issues at the earliest opportunity, significant developments should be focused on locations which can be made sustainable and planning policies should support a mix of uses across an area, minimise journey lengths for employment and identify and protect sites which could be critical in developing infrastructure. A further relevant paragraph is 111 in regard to proposals only being refused on highways grounds if there would be an unacceptable impact on highways safety or the cumulative impacts on the road network would be severe. It is considered that the Oaklands extension scheme which has proposed the same highways related conditions as extant Nosterfield Quarry for the Langwith extension would be acceptable. These include restricting HGV access to only via the existing access; requiring the access road to be kept clean and in a good condition; vehicles being securely sheeted and the implementation of precautions to ensure HGVs leaving the site do not deposit mud or debris on the public highway would be carried forward to this permission. It is proposed as well to add a further condition which limits the number of HGV movements in and out of the quarry site (Condition 10), with another condition for the recording of this so that the Council can monitor the numbers if required (Condition 11). With the mitigation through these conditions and the S106 routing agreement it is considered the application is consistent with the NPPF paragraphs 104-106 and 111 as the proposal is in a sustainable location and would not have unacceptable impacts on highways safety.
- 10.88 For the reasons detailed above, it is considered that the proposed development would not have an adverse impact upon the local highway network, which is capable of continuing to accommodate the proposed vehicle movements. Therefore, the proposed development is considered to be consistent with the NPPF, in compliance with the highway protection elements of the Hambleton Local Plan Policy IC2 and policies I01 and D03 in regard to the transport of minerals and waste and associated traffic impacts in the Mineral and Waste Joint Plan. It is also considered that the

proposed development is compliant with the Equality act (2010) and the Human Rights Act as its impacts would be mitigated through the conditions for the control of HGVs in relation to the operation and the S106 in relation to the Lorry routing plan which would limit the impact of the development on all local residents in the villages of Well and Nosterfield and allow them the right to the peaceful enjoyment of their property.

Climate Change

- 10.89 Chapter 13 of the ES is in regard to climate change. The risks of the proposed development in this instance include health impacts and higher dust generation which are classed as low risk and increased flood risk and increased slope failure which are median risk. However, the only likely risk stated within the ES is the impact of dust which would be mitigated through conditions as previously discussed in paragraph 10.18-10.22 of this report. To manage the other three risks the applicant states, in relation to flood risk, the ground is not susceptible to groundwater flooding and the ground would become more permeable due to the removal of mineral; further information in relation to flood risk is stated in paragraph 10.67-10.74. In regard to health impacts of the site, it is considered the impact on quarry staff from increased temperatures would be insignificant due to the anticipated low increase of temperatures in the extraction time period.
- 10.90 The existing infrastructure on site and the fact that it comprises an existing quarry lowers the impact of the development in regard to climate change instead of the requirement for a new quarry in the area. It is therefore considered to be in compliance with MWJP Policy D11 which also seeks to address the issue of greenhouse gas emissions. The proposal is also considered to be in compliance with Hambleton Local Plan policies RM6 and S1 in regard to renewable and low carbon energy and sustainable development as it would be an efficient use of an existing site that would utilise on site infrastructure without the requirement for a new site which would use further resources. The use of the electric dredger, already in place on site, also has significant benefits in terms of it not requiring different mobile plant that would be diesel based. The proposed development is also considered to improve the biodiversity of the site and bring about positive improvements to the landscape in the long term for the area. Although the scheme would require the loss of the removal of ten individual trees and nine tree groups it is considered that the loss would be adequately mitigated through the restoration scheme including further tree and hedgerow planting, with none of the trees to be removed being veteran tree or ancient woodland. It is therefore also considered consistent with the NPPF and Planning Practice Guidance for Climate change.

Section 106 Legal Agreement

- 10.91 In light of the proposed S106 legal agreement under the provisions of the Town & Country Planning Act 1990 (as amended) (the '1990 Act'), regard must be had to NPPF paragraphs 55-58 which require planning obligations to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to the development in terms of scale and kind.
- 10.92 The S106 will be required to provide that the obligations are secured and entered into by those responsible for the long term management of the land to ensure that the obligations are enforceable as it is considered that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in kind to the development. The following Obligations are required to be included in the S106 agreement
- The requirement for an updated Nosterfield, Langwith and Thornborough Moor Strategic Management Plan stating the restoration vision and proposals for land

management objectives, timescales for action, monitoring, reporting, and the roles of interested parties in relation to the Oaklands land.

- The submission of a Detailed Landscape and Biodiversity Maintenance and Management plan (DLBMMP).
- Lorry Routing Agreement.
- Bird Management Plan.
- An appropriate conservation body being required to complete the long term management and aftercare works as a sub-contractor.

10.93 In this instance, it is considered that the obligation for an updated Nosterfield, Langwith and Thornborough Moor Strategic Management Plan and a Detailed Landscape and Biodiversity Maintenance and Management plan (DLBMMP) is required to secure a high standard of restoration and aftercare, with a long-term 25 year management plan which due to its length and part of the land being outside the applicant's control cannot be conditioned. This would also protect the biodiversity of the site and designated SINCs in the vicinity of the site which are previously restored quarry workings. This has been agreed with the Ecologist and Landscape Officer. In paragraph 10.57 of this report it outlines a list a) to m) which would be required to be included in the DLBMMP, which would include details of how contingencies or remedial action will be identified, to be agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.

10.94 In this instance in addition to the DLBMMP there is a requirement to secure an appropriate conservation body to be sub-contracted to complete these works. The applicant has stated that the Lower Ure Conservation Trust would be the body to complete these works however there would be a requirement added to state should the appointed body not be able to complete the works a different appropriate conservation body is required.

10.95 In regard to the lorry routing agreement, the site through the Langwith permission (ref. C2/11/02057/FUL, dated 9 December 2016) already has a requirement for HGV to use certain routes. It is considered that these should be brought forward too. The Highway Authority did not mention the routing agreement, but nevertheless stated no objections to the current scheme.

10.96 The Bird Management Plan is a requirement of the MoD. The existing Langwith permission (ref. C2/11/02057/FUL, dated 9 December 2016) has this as a current schedule of the existing S106 legal agreement and the MOD has requested this be updated to include the Oaklands extension. This updated plan has now been received and is proposed to be secured through a S106 legal agreement.

The Equality Act 2010

10.95 Under Section 149 of The Equality Act 2010, regard must be had 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.

10.96 Given the substantial scale of the site and the works involved with the development, if approved, the development is considered to have temporary impacts on amenity during the extraction phase 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. However it is considered with the appropriate conditions and mitigation these impacts can be lessened to an acceptable level, which would have no significant impact on the locality.

- 10.97 Therefore, if planning permission were to be granted, in order to ensure that the Council fulfils its duty under Section 149 of the Equality Act, any decision notice must include 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.

Obligations under the Human Rights Act

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

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application in accordance with the development plan as a whole unless material considerations (including the NPPF and emerging plans) indicate otherwise. The assessment of material considerations within the overall 'planning balance' has been undertaken in Section 10.0 of this report.
- 11.2 With regard to the assessment of this application, the relevant policy documents of the 'Development Plan' are set out in Section 6.0 to this report. In considering the relationship of the proposals to the 'development plan', the proposal must be judged against the 'development plan' as a whole rather than against individual policies in isolation and it is not necessary for proposals to comply with all policies in order to be found acceptable. While national policy within the NPPF is an important material consideration, it is necessary to determine applications against the extant policies, which comprise the 'development plan', unless other material considerations indicate otherwise.
- 11.3 The Environmental Statement accompanying the application assesses the likely significant effects of the proposed development upon the environment and full account has been taken of all environmental information received in the planning assessment of this application. The content, mitigation proposed and conclusions of the Statement and the details of the planning application documents describing and showing the proposed scheme, have been assessed within section 10 of this report.

- 11.4 The information provided in support of the application is considered to be sufficient, to reasonably address the likely significant effects without giving rise to matters of any material degree warranting the re-consideration of the assessments of the proposal as presented by the applicant. The information submitted during the processing of this application is considered both adequate and sufficient upon which to make a recommendation in regard to the determination of the application, the applicant is considered to have demonstrated that the proposed development is capable of being appropriately mitigated. The information has been subject to consultation; the responses to which have been taken into account.
- 11.5 The main issues in the 'planning balance' are the impacts on biodiversity and change in the landscape and water environment. The proposed development receives support, or avoids conflict with, a number of 'development plan' policies such as those policies, which seek to prevent, minimise or mitigate against a number of potential harms. The proposal for the lateral extension to allow the extraction of an additional 1 million tonnes of sand and gravel, together with the rephrasing of the extraction of 471,000 tonnes of permitted reserves, together with final restoration would in this instance assist in the realisation of the development vision of the MWJP through policies M02, M03, M04 and M07, through ensuring provision levels and supply of mineral are maintained.
- 11.6 The proposal would allow the continuation of quarrying operations at the site and prevent the sterilisation of over one million tonnes of sand and gravel within North Yorkshire as the final extension on the wider Nosterfield site within the area preferred in the Local Plan. It would see a number of benefits to the local and regional economy. The continuation of operations would also accord with both strategic and development management policies in the adopted Mineral and Waste Joint Plan including Policy M01, I01 and I02 to ensure that a sustainable approach is given to mineral supply and existing infrastructure continues to be utilised.
- 11.7 Whilst there would be a change to the landscape and an impact on the existing sites biodiversity, the proposal would provide a biodiversity net gain of 11.82% in total, with an increase of 77.66% in regard to hedgerow improvements and an increase of 36.42% in regard to the river (Ings Goit). The scheme is seen as improving upon the existing extant Langwith extension, where there is overlap of the two schemes and would give significant nature conservation and local amenity benefits on top of this already approved scheme. This would be achieved through additional public access and further habitat creation specifically in regard to wet fen vegetation. The proposed S106 legal agreement would provide for additional restoration benefits and include specific maintenance and management provisions for the 5 year aftercare period and a 25 year long term management plan. Although biodiversity net gain is not yet a statutory requirement it is considered that this application would achieve the 10% net gain biodiversity uplift with a prior to commencement condition for a net gain plan to be submitted which would outline how this would be achieved. In addition to this the 30 year total management and maintenance period secured through the aftercare condition and the S106 DLBMMP also supports the long term management requirements of biodiversity net gain.
- 11.8 The water environment has been a key issue in the application process with the Ings Goit land drain running through the extraction site. It is considered that the information provided by the applicant including the ES chapter and Flood Risk Assessment have shown that there would be no unacceptable impacts from the mineral's development in regard to surface or groundwater and that the water control measures of the site can be controlled via condition and the S106 legal agreement

through the Detailed Landscape and Biodiversity Management and Maintenance Plan.

- 11.9 Continuation of existing mitigation measures as well as additional conditions specific to the Oaklands extension would ensure that the Council could continue to control and monitor the site and ensure that protection of features including local landscape and safeguarding against effects upon soils and amenity (e.g. noise and dust) continue to be upheld on the Nosterfield site. All of which have been considered in Section 10 of this report. The mitigation ensures compliance with policies D01, D02, D07, D09, D11 and D12 of the Mineral and Waste Joint Plan. The proposal is also in compliance with Hambleton Local Plan policies S1, S3, S5, S7, E1, E2, E3, E4, E5, E6, E7, IC2, RM1, RM2, RM3, RM4 and RM5. The proposal is also considered to be consistent with the NPPF.
- 11.10 In conclusion, it is considered there are no material planning considerations to warrant the refusal of this application as long as the appropriate mitigation and long term management of the site through the long term management plan is secured through conditions and planning obligations. The application, along with the supporting Environmental Statement and additional information, has been assessed and it is considered on balance that there is a need for the mineral and there would be no unacceptable adverse environmental impacts resulting from the proposed development. Furthermore, it is considered that the proposed development, whilst leading to a change to the landscape, would not result in any unacceptable impacts on local amenity, the character of the surrounding area and landscape, the local highway network, ecology or the water environment or lead to an unacceptable impact on air quality or climate change. The proposed landscaping, hedgerow planting and restoration of the site would make a positive contribution to biodiversity of the area. For these reasons it is considered that, the principle of the development in this location is acceptable.

12.0 **RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below and the prior completion of the S106 legal agreement set out in paragraph 10.92 of this report.

Recommended conditions:

Time Limit

1. The development to which this permission relates shall be implemented no later than the expiration of three years from the date of this Decision Notice. The date of which shall be notified in writing to the Local Planning Authority within 7 days of commencement.

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

2. Written notification of the commencement of each of the following stages of the development shall be provided in writing to the Mineral Planning Authority within seven (7) days of the commencement of each phase of the development shown on plans Figure 3.1 – Extraction Phasing Scheme, Ref. NO51_00240_8, dated 2 November 2021:
 - a) Soil stripping operations and construction of soil storage/screening mounds (where applicable) of each phase of the proposed development.
 - b) Extraction of mineral.
 - d) Cessation of mineral extraction.

Reason: To enable the Mineral Planning Authority to monitor the development to ensure compliance with this permission.

Minerals Extraction Time Limit

3. The permission hereby granted in respect of mineral extraction and processing is valid only for seven years following the commencement of soil stripping operations to be notified to the Local Planning Authority for the purposes of condition two (2). 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 Conditions 36 within a further period of one year.

Reason: To reserve the rights of control by the County Planning Authority to ensure restoration of the land with the minimum of delay in the interest's amenity.

Approved Documents

4. The development hereby permitted shall be carried out in accordance with the application form dated 21 January 2022 and the following documents and drawings:
 - Figure 2.2 Application Boundary, Ref N051-00240-2, dated 2 November 2021.
 - Figure 3.1 Extraction Phasing Scheme, Ref. NO51_00240_8, dated 2 November 2021
 - Figure 3.2 Phase 12 Extraction, Ref. NO51_00240_9 Rev A, dated 30 June 2023
 - Figure 3.3 Phase 13 Extraction, Ref. NO51_00240_10, DATED 29 October 2021
 - Figure 3.4 Indicative Landscape Framework, NO51_00240_11 Rev D, dated 30 June 2023.
 - Figure 3.5 Cross Sections, Ref. N051-00240-12, Dated 30 June 2023
 - Figure 3.7 Shoreline Cross-sections, Ref. N051-00240-14, dated 29 March 2023.
 - Environmental Statement, Appendices, Figures & Non-Technical Summary (revised 5 May 2023)
 - Appendix 3.3 – Outline landscape and biodiversity maintenance and management plan, Ref. NT14714 Rev V1.0, dated May 2023
 - Appendix 7.1 – Preliminary Ecological Appraisal, Ref NY14714 001 Rev V2.0, dated May 2023
 - Appendix 7.2 Badger Survey Report, Ref NY14714 006, dated March 2021
 - Appendix 7.3 – Bat survey, Ref NY14714 003 Rev V2.0, dated May 2023
 - Appendix 7.4 – Great crested new survey Ref NY14714 Rev V2.0, dated May 2023
 - Appendix 7.5 Reptile Survey Report Ref NY14714 Rev V1.0, dated March 2021
 - Appendix 7.6 – Otter and vole survey Ref. NY14714 005 Rev V1.0, dated May 2023
 - Appendix 7.7 Breeding Bird Survey Report Ref NY14714 Rev V1.0, dated March 2021
 - Appendix 7.8 Arboriculture Impact Assessment, Ref NY14714 008 Rev V1.1, dated November 2021
 - Appendix 7.10 – BNG technical note scenario A, Ref. NT14714, dated 22 March 2023
 - Appendix 7.11 – BNG technical note scenario B, Ref. NT14714, dated 22 March 2023

- Appendix 8.1 Soil Profile Descriptions and ALC Calculations
- Appendix 9.1 – Flood risk assessment, Ref 2916/FRA Rev F4, dated February 2023.
- Appendix 9.2 – Comment on flood management and maintenance of flows – new
- Appendix 10.4 Scheme Of Archaeological Investigation And Publication, Ref. V1.1, dated October 2021.

Reason: To reserve the rights of control by the Local Planning Authority and to ensure that the development is carried out in accordance with the application details.

Minerals Extraction Phasing

5. The mineral extraction, hereby permitted, shall take place only in accordance with the phasing arrangements indicated on the plans Figure 3.2 – Phase 12 Extraction, Ref. NO51_00240_9 Rev A, dated 30 June 2023 and Figure 3.3 – Phase 13 Extraction, Ref. NO51_00240_10, DATED 29 October 2021. No extraction operations shall take place in any phase until mineral within the immediately preceding phase have been substantially worked out.

Reason: To secure an orderly and progressive pattern of working and a high standard in restoration.

Hours of Operation

6. Except for the maintenance of plant and machinery, no quarrying or associated operations including transport of mineral from the site shall take place except between the following times:
0700-1800 hours Mondays to Fridays; and,
0700-1200 hours on Saturdays.
No quarrying or associated operations including transport of mineral/waste from the site shall take place on Sundays or Bank and Public Holidays.

No transport of mineral shall take place except between the following times:
0630-1800 hours Mondays to Fridays; and,
0630-1200 hours on Saturdays.

No quarrying or associated operations including transport of mineral/waste from the site shall take place on Sundays or Bank and Public Holidays.

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

On Site Materials

7. No material shall be brought onto the site for processing, stockpiling, merchandising or any other purpose.

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

Wheel Wash Facilities

8. Throughout the operation of the development, the existing wheel wash facilities must remain in working order on site and all HGVs exiting the site shall do so in a clean condition, such that no dirt and/or mud are deposited on the public highway by vehicles travelling from the site.

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

Highways Access

9. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at the B6267. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during operation of the site.

Reason: In the interests of both vehicle and pedestrian safety and the visual amenity of the area.

Vehicle Numbers

10. The total number of heavy goods vehicles (as defined by this permission) accessing and leaving the application site shall not exceed 120 per day (60 going into the site and 60 going out).

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

11. A written record of all heavy goods vehicle (as defined by this permission) movements into and out of the site shall be maintained and retained for a period of six months. The records shall contain the vehicles' weight, registration number and the time and date of movement. The record shall be made available for inspection to the Local Planning Authority at the site office during permitted working hours or within two working days of any written request made by the Local Planning Authority.

Reason: To enable the verification of vehicle movements limited under condition no.9.

Vehicle Sheeting

12. All heavy goods vehicles (as defined by this permission) exporting mineral from Nosterfield Quarry 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 to prevent material being spilled onto the public highway and protect the amenities of the area.

Dust Mitigation

13. Dust control measures shall be employed to minimise the emission of dust from the site. A visual assessment shall be made at the commencement of daily operations and at intervals during the day. A daily log of assessments and necessary remedial measures shall be kept at the weighbridge office for one (1) year and made available to the Local Planning Authority upon written request. Remedial measures shall include the spraying of roadways, hard surfaces and stockpiles and discontinuance of soil movements during periods of high winds. Action taken to mitigate and monitor dust emissions from the site shall include that specified in the Environmental Statement Air Quality Chapter at point 11.7 in regard to Mitigation.

Reason: To control the impact of dust generated by the development in the interests of local amenity.

Lighting (Discharge Required Prior to Commencement of Development)

14. Prior to the commencement of development a scheme and programme for the external lighting of the site shall be submitted to the Local Planning Authority for approval in writing. The Scheme and Programme shall include the phasing of the implementation of the approved scheme relative to the phases of the development to ensure the minimum lighting necessary is employed throughout the respective phases.

Lighting shall only be erected and operated in accordance with the approved Scheme and Programme throughout the operational life of the site. All lighting shall be removed from the site following completion of the development.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to control the impact of light and light pollution generated by the development in the interests of local amenity.

Noise Limits

15. The equivalent continuous noise level due to operations at the quarry's operational hours 07:00-18:00 shall not exceed the noise levels stated at the nearest façade or boundary of the following residential properties or locations (from the locations as shown on figure 12.1 Existing Noise Sensitive Receptors) in the table below:

Location	dB L _{Aeq,T}
ESR 1: Ladybridge Farm	47
ESR 2: Southwood House	45
ESR 3: Langwith House	45
ESR 4: Oaklands	45
ESR 5: Eastern edge of Well	46

Measurements shall be hourly LAeq measurements and be corrected for the effects of extraneous noise. In the event that the noise levels are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps taken to attenuate the noise level to ensure compliance with the specified levels.

Reason: To control the impact of noise generated by the development in the interests of local amenity.

Noise Limitation Exceptions

16. Notwithstanding the noise limits imposed within Condition 15, a temporary daytime noise limit of up to 70 dB(A) LAeq,1hour (free-field) at the nearest façade or boundary to the following residential properties and locations (from the locations as shown on figure 12.1 Existing Noise Sensitive Receptors) of Ladybridge Farm, Southwood House, Langwith House, Oaklands and Eastern edge of Well is permitted for up to 8 weeks in a calendar year to facilitate essential site preparation and restoration work such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds, construction of new permanent landforms and site road maintenance. In the event that the 70dB(A) limit is exceeded, those operations at the site causing the excessive noise shall cease immediately and step shall be taken to attenuate the noise level to be in compliance with the 70dB(A) limit.

Reason: To control the impact of noise generated by the development while soil stripping in the interests of local amenity.

Exceeded Noise Levels

17. In the event that any noise levels specified in the scheme submitted and approved under Condition No 15 and/or 16 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 Conditions 15 and/or 16.

Reason: To control the impact of noise generated by the development in the interests of local amenity.

Noise Monitoring

18. Within seven days of receiving written notice from the Local Planning Authority, such noise monitoring as may be required by the Local Planning Authority to assess compliance with the limits specified in condition no.s 15 & 16 above shall be undertaken. In the event that the noise levels specified in condition no.s 15 & 16 are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in compliance with the requirements of condition no.s 15 & 16.

Reason: To ensure that noise impacts associated with the proposed development would be minimised in the interests of local amenity.

Plant and Vehicle Noise Attenuation

19. All plant, machinery and vehicles used on any part of the site shall be fitted with effective with non-audible reverse warning alarm systems which shall be regularly maintained and employed at all times during permitted operational hours.

Reason: To ensure that noise impacts associated with the plant, machinery and vehicles at the site would be minimised in the interests of local amenity

Written Scheme of Investigation

20. No development shall take place other than in accordance with the 'Oaklands Extension Nosterfield Quarry Scheme of Archaeological Investigation and Publication' (MGA Associates, October 2021 v. 1.1).

Reason: This is to protect the archaeological importance of the site.

21. Condition 20 shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Scheme of Archaeological Investigation approved under condition 19 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This is to protect the archaeological importance of the site.

Ings Goit

22. The flow of the Ings Goit will be into the proposed lake at the western boundary of the site, with water flowing out of the lake (Oaklands Lake) via a channel south of Fox Covert at the eastern side. The level of the lake will be maintained between 38.5-39.5 Above Ordnance Datum by means of a control structure at the outflow point for the duration of the development.

Reason: For the protection of the water environment and to ensure the hydrogeological and hydrological impact is mitigated as identified in the impact assessment.

Ecological Mitigation Measures

23. The development hereby permitted, shall, at all times, be undertaken in accordance with the ecological mitigation measures stated within the Preliminary Ecological Appraisal Report Update (Ref. NT14714_001 Rev v2.0, dated May 2023) and the Environmental Statement Ecology Chapter (ref. 007, dated March 2023) which are:
- Habitat related mitigation, compensation and enhancement measures are principally set out within the indicative landscape proposals within the site Indicative Landscape Framework Plan (Figure 3.4)
 - A buffer of 15m will be retained around the periphery of Fox Covert wood.
 - The felled stems of five further mature standards will be retained on site around Fox Covert wood as monoliths and erected vertically. The branch wood from the mature trees will also be retained and placed as habitat piles near the erected monoliths.
 - All peripheral mature hedgerows with mature trees around the site will be retained (with measures implemented to ensure no damage)
 - Hedgerows running northwards from Flask Lake will be strengthened and enhanced providing habitat link between the lakes and the pastoral habitats to the west of the site
 - Provision of at least 20 'woodcrete' and self-cleaning bat boxes of a range of designs
 - Wet grassland will be created between Flask Lake Oaklands Water and Langwith Water
 - Inclusion of wych elm within the hedgerow and woodland planting lists to provide suitable habitat for priority species
 - Provision of a pole mounted Barn owl box located to the south of the site (away from the road) to provide suitable nesting opportunities for barn owl in the area.

Reason: In the interests of protecting biodiversity and ecological sensitive areas.

Badger Protection Measures (Discharge Required)

24. Within one month of the commencement of habitat and vegetation clearance works an updated badger survey shall be undertaken and submitted to the Local Planning Authority for approval in writing. If the monitoring identifies the mineral extraction would have an adverse impact on badgers and/or setts, a further mitigation plan shall be submitted to the Local Planning Authority for approval in writing and subject to consent by licence in accordance with the above thereafter the approved mitigation plan shall be implemented in full.

Reason: To ensure the proposal does not have an adverse impact on badgers.

Construction and Environmental Management Plan (CEMP) (Discharge Required Prior to Commencement of Development)

25. Prior to the commencement of development (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The CEMP shall include the following:
- a) The identification of stages of works and working hours;
 - b) Details of community engagement arrangements;

- c) Details of all plant and machinery to be used during demolition and construction stage;
- d) A temporary drainage strategy and performance specification to control surface water runoff and Pollution Prevention Plan
- e) Details of external lighting;
- f) Details of noise and air quality monitoring and compliance arrangements for impacts on SPA/Ramsar/SSSI;
- g) Details of the roles and responsibilities in regard to biodiversity e.g., details of an ecological clerk, details of times when specialist ecologists are required on site, risk assessments, practical measures including use of fences exclusion barriers and warning signs
- h) Details of measures to remove/prevent re-colonisation of non-native species; and
- i) Identification of "biodiversity protection zones".
- j) The location and timing of sensitive works to avoid harm to biodiversity features e.g., bird breeding season.
- k) Habitat protection measures including objectives, extent and location of protective measures, timetable for implementation.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed in the interests of protecting the amenity of the area and nature conservation.

Pollution Control

26. Any oil, fuel, lubricant, paint or solvent within the site must be stored so as to prevent such materials contaminating topsoil or subsoil or reaching any watercourse. Any fixed oil or fuel tanks must:
- (a) be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tank so as to fully contain their contents in the event of spillage;
 - (b) if there is multiple tankages, the enclosure must have a capacity not less than 110% of the largest tank;
 - (c) all filling points, vents and sight glasses must be within the sealed impermeable enclosure;
 - (d) there must be no drain through the impermeable enclosure.

Reason: To deal with contaminated drainage to protect the quality of and prevent pollution of the ground and water environment.

Soil Storage

27. All top-soil, sub-soil and overburden materials shall be stripped separately and either placed directly to final restoration or stored separately in temporary storage mounds in accordance with the submitted application details. All screening mounds and all top-soil and sub-soil storage mounds shall be graded to an even slope, shall be seeded with grass and shall be kept free of weeds until after their removal for use in site restoration. No topsoil or subsoil shall be removed from the site.

Reason: To protect soil resources in the interests of achieving a good standard of agricultural restoration.

Timetable for Soil Stripping

28. No soils shall be stripped, moved, placed or removed during the months of November to March inclusive, unless the soils are in a dry and friable condition. During soil stripping, placement and removal, machinery shall be routed to avoid compaction of such soils.

Reason: To protect soil resources in the interests of achieving a good standard of agricultural restoration.

Stockpile Heights

29. Stockpiles shall not exceed 6 metres from ground level.

Reason: To ensure minimum disturbance from operations and avoidance of nuisance to the local community.

Extraction of Plant Site

30. The removal of existing quarry plant, buildings, associated structures and stockpiles of minerals and the extraction of sand and gravel from beneath the existing plant shall take place in accordance with details specified in part 5 of the planning application ref. no. C2/92/500/53 (dated 29th May 1991).

Reason: To ensure early restoration of the existing plant.

Detailed Hard and Soft Landscaping Scheme (Discharge Required)

31. Within 12 months of the date of this permission details of hard and soft landscape works shall be submitted to the Local Planning Authority for approval in writing. These details shall include Hard landscape works:
- (a) existing site features proposed to be retained or restored including trees, hedgerows, walls, fences, artefacts, and structures,
 - (b) proposed finished levels and/or contours,
 - (c) proposed grading and mounding of land showing relationship of surrounding land
 - (d) proposed use of high quality peaty/organic soils for the restoration of the site.
 - (e) other vehicle and pedestrian access and circulation areas,
 - (f) details of pumping, ground water recharge and ground water monitoring.
 - (g) details of means of enclosure, fencing and gates
 - (h) Details of viewing points (surface, boundary treatment, seating / viewing area, interpretation). With an agreed timetable for implementation.

Soft landscape works:

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

Thereafter the hard and soft landscape works shall be undertaken in accordance with the approved details and shall thereafter be managed and maintained in accordance with the approved maintenance and management scheme.

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

Advanced Landscape Works / Screen Bunding

32. Advance Planting and screen bunding, as shown on drawing Figure 3.2 – Phase 12 Extraction, Ref. NO51_00240_9 Rev A, dated 30 June 2023 including the gapping up on the hedgerow on the western boundary of phase 12 must be implemented/planted in the next available planting season. Thereafter operations at the site shall be carried out in accordance with the approved scheme and programme.

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

Tree protection measures, tree protection Plan (Discharge Prior to Commencement Required)

33. Prior to the commencement of development a Tree Protection Measures Plan must be submitted to the County Planning Authority for written approval.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to adequately control the development and to safeguard the character of the site in the interests of visual amenity.

Drainage Scheme (Discharge Required)

34. Within 12 months of the commencement of the development hereby permitted a detailed scheme and programme for drainage shall be submitted to the Local Planning Authority for approval in writing. The scheme and programme shall provide details for drainage as may be necessary to bring the restored land to the required standard including ditches, pipes, channels, weirs and control measures. Thereafter all drainage works shall be carried out in accordance with the approved scheme and programme.

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

Protection of the Sewer

35. No building or other obstruction including landscape features shall be located over or within three metres either side of the centre line of the public sewer i.e. a protected strip width of six metres, which crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

Restoration Scheme (Discharge Required)

36. Within 12 months of the date of this permission a detailed scheme and programme for the phased restoration of the site shall be submitted to the Local Planning Authority for approval in writing in compliance with Figure 3.4 - Indicative Landscape Framework, Ref. NO51_00240_11 Rev D, dated 30 June 2023. The scheme and programme shall include details of the following: -
- a) the sequence and phasing of restoration clearly showing their relationship to the working scheme and surrounding landscape;
 - b) timing, phasing and method of replacement of top and subsoils;
 - c) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;
 - d) the machinery to be used in soil re-spreading operations;
 - e) the final levels of the restored land;
 - f) drainage of the restored land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage;
 - h) seeding of restored areas with a suitable herbage mixture;
 - i) the boundaries of the lakes to be left on conclusion of workings, including any islands or promontories to be left or formed with overburden or surplus material, and the battering down of the restored banks of the lakes and

j) a timetable for implementation.

Thereafter restoration of the site shall be carried out in accordance with the approved scheme and programme.

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

Aftercare Scheme (Discharge Required)

37. Prior to the completion of mineral extraction within each phase of extraction, a detailed scheme and programme for the aftercare of the site for a period of 5 years to promote the afteruse of the site shall be submitted to the Local Planning Authority for approval in writing. The scheme and programme shall contain details of the following:
- a) Maintenance and management of the restored site to promote its intended use and the establishment of the restored site.
 - b) Weed control where necessary.
 - c) Measures to relieve compaction or improve drainage, which would include temporary and long term water control measures.
 - d) Maintenance and replacement of trees, shrubs and vegetation, weed control and re-staking and re-planting any failures.
 - e) An annual inspection in accordance with condition 39 to be undertaken in conjunction with representatives of the Local Planning Authority to assess the aftercare works that are required the following year.

Thereafter the aftercare of the site shall be carried out in accordance with the approved scheme and programme. including weed control, replacement of dead and dying trees shrubs or plants with species of similar size and species and maintenance of protection measures.

Reason: To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 and to ensure restoration of the land to the standard required for agriculture and amenity purposes.

Annual Review

38. In March of each year during the extraction and restoration period the site operator shall supply the Local Planning Authority with an annual report of the site summarising the implementation and progress of activities at the site including landscaping, working and restoration.

Reason: To secure an orderly and progressive pattern of working and restoration of the site.

Annual Meeting

39. An annual meeting shall be held between the operator and the Local Planning Authority to review schemes of working, restoration, landscaping and aftercare issues, to be held 6 months from the commencement of development and every 12 months thereafter for the operational and restoration phases of the site. During the aftercare period the council may request further meetings as and when required. This meeting shall include all interested parties and technical advisers (including relevant heritage bodies, Landowners, council officers and conservation bodies)

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

Cessation of Working

40. In the event of extraction of mineral ceasing on the site for a period in excess of two years before the completion of the development hereby permitted, a revised scheme of restoration and landscaping including a revised timeline for completion, shall be submitted within 3 months of such cessation to the Local Planning Authority for approval in writing. The approved scheme of restoration and landscaping shall thereafter be implemented in full and in accordance with the requirements of conditions 36 and 37 to this permission relating to landscaping, restoration and aftercare.

Reason: To secure a good standard of progressive restoration and safeguard the character of the site in the interests of visual amenity.

Removal of Permitted Development Rights

41. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Part 17 Mining and Mineral Exploration (or any other Order revoking or re-enacting that Order), no plant, buildings, fencing or drilling of boreholes shall be constructed on the site.

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

Record of Planning Decision Notice

42. 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 throughout the operational life of the site and restoration 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.

Biodiversity Net Gain Plan (Discharge Prior to Commencement Required)

43. Prior to the commencement of development a biodiversity gain plan shall be submitted to the Local Planning Authority for approval in writing. Thereafter the biodiversity net gain works shall be undertaken in accordance with the approved details and shall be managed and maintained in accordance with the approved plan.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to adequately control the development and to safeguard the biodiversity of the site and confirm the 10% net gain.

Definitions:

1. Heavy goods vehicle: a vehicle of more than 3.5 tonnes gross weight.

Informative

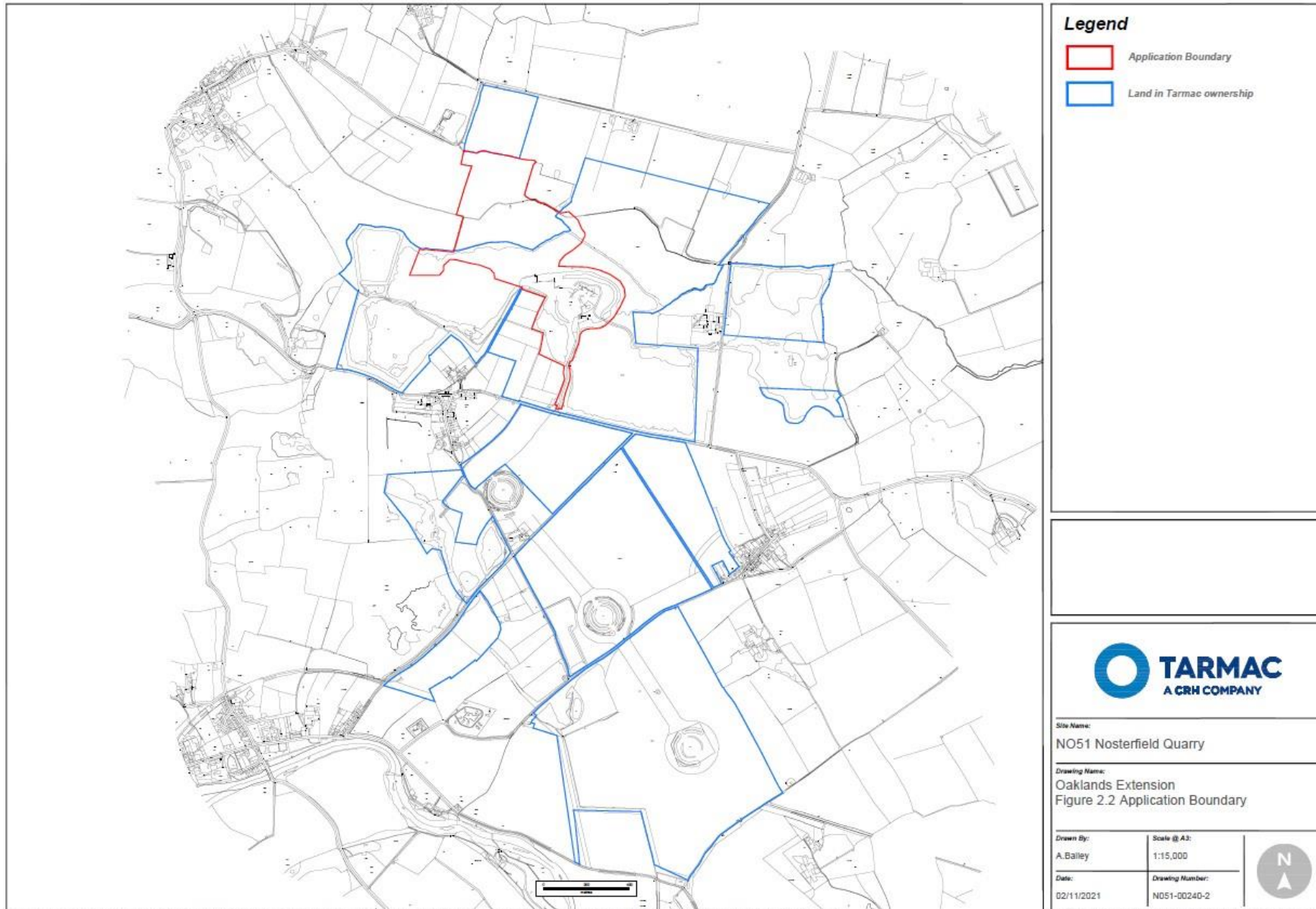
- Badgers Licence - Badgers are protected under the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981. A licence from Natural England will be required if a sett is identified within the permitted extraction area.

- The EA also requested that an impoundment licence for Ings Goit and stated that amendments to the Environmental Permit would be required.

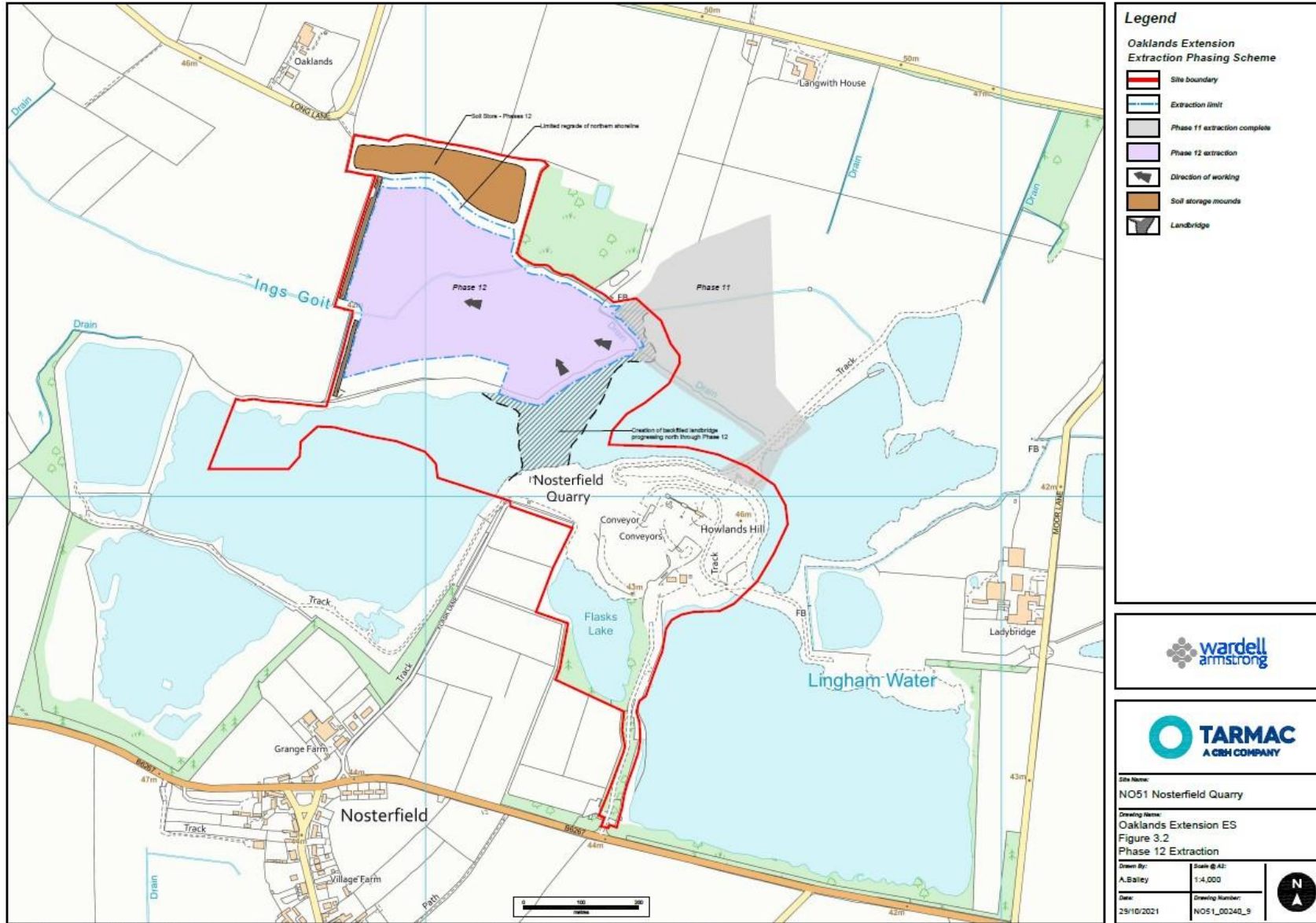
Target Determination Date: 9 January 2024

Case Officer: Sam Till

Appendix A – Committee Plan

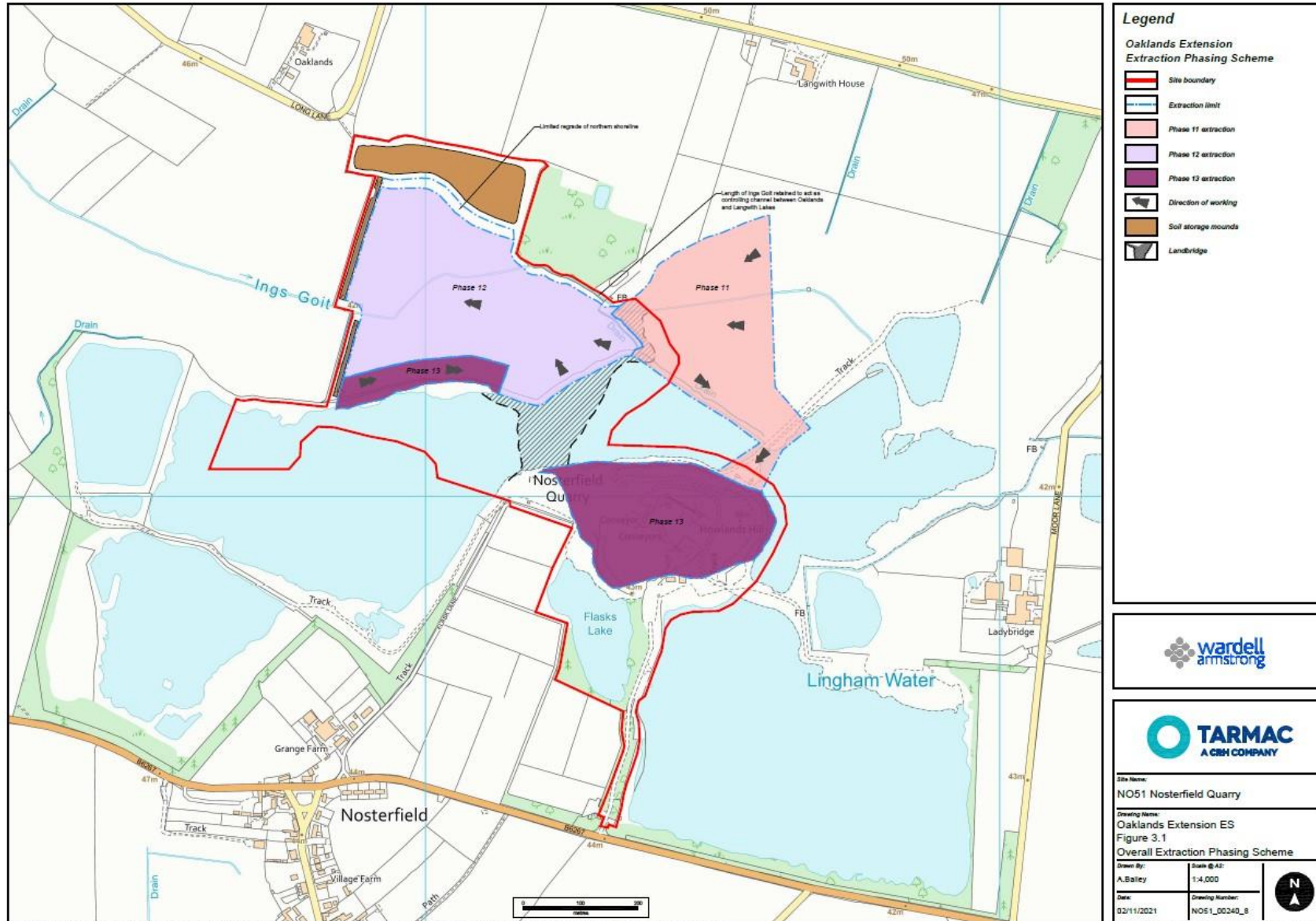


Appendix B1 – Figure 3.2 – Phase 12 extraction



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Appendix B2 – Figure 3.3 – Phase 13 extraction



Legend

**Oaklands Extension
Extraction Phasing Scheme**

- Site boundary
- Extraction limit
- Phase 11 extraction
- Phase 12 extraction
- Phase 13 extraction
- Direction of working
- Soil storage mounds
- Landbridge



TARMAC
A CBM COMPANY

Site Name:
NO51 Nosterfield Quarry

Drawing Name:
Oaklands Extension ES
Figure 3.1
Overall Extraction Phasing Scheme

Drawn By: A.Bailey	Scale @ A1: 1:4,000	
Date: 02/11/2021	Drawing Number: NOS1_00340_8	

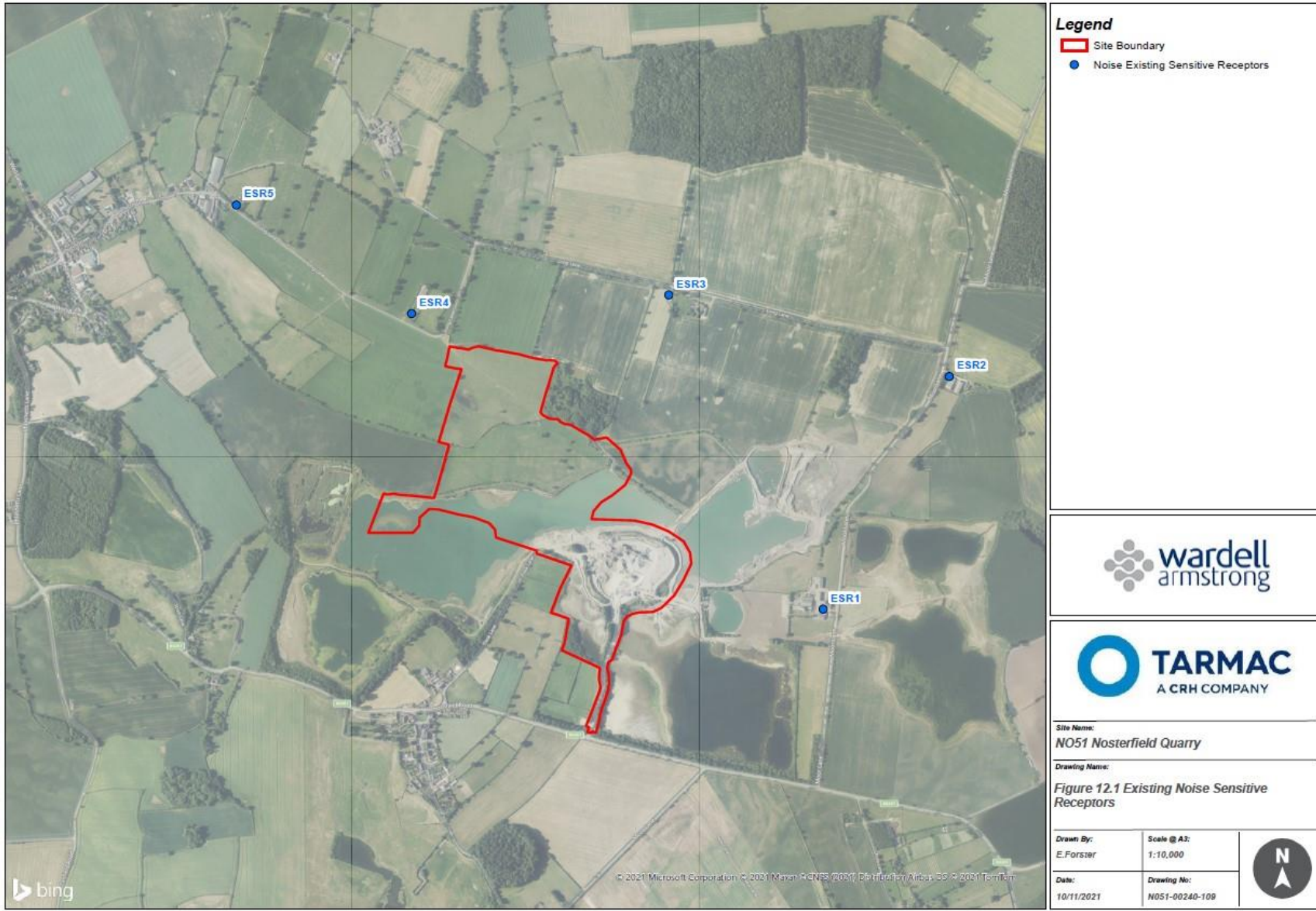
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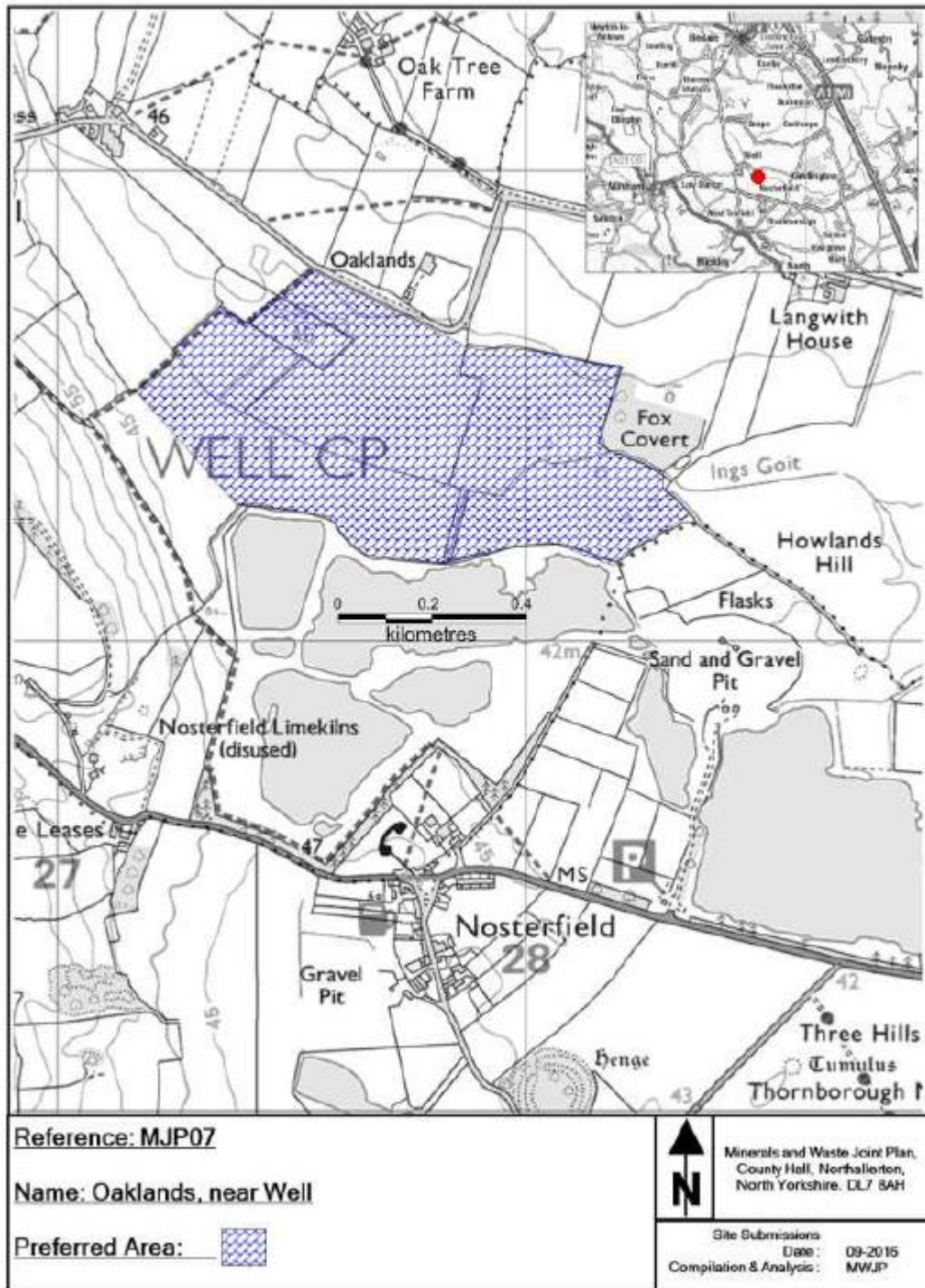
Appendix C – Figure 3.4 - Indicative Landscape Framework Rev D



Appendix D – Figure 12.1 Existing Noise Sensitive Receptors



Appendix E – MWJP Appendix 1 Allocated Sites and Area of Search



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