

**North Yorkshire County Council**

**Business and Environmental Services**

**Planning and Regulatory Functions Committee**

**23 FEBRUARY 2021**

**C8/2019/1271/CPO - PLANNING APPLICATION FOR THE PURPOSES OF WASTE RECYCLING AND RESTORATION BY INFILL ON LAND AT NEWTHORPE QUARRY, NEWTHORPE, NORTH YORKSHIRE**

**ON BEHALF OF NEWTHORPE AGGREGATES LIMITED  
(SELBY DISTRICT) (SHERBURN IN ELMET ELECTORAL DIVISION)**

**Report of the Corporate Director – Business and Environmental Services**

**1.0 Purpose of the report**

- 1.1 To determine a planning application for waste recycling and restoration by infill on land at Newthorpe Quarry, Newthorpe, North Yorkshire on behalf of Newthorpe Aggregates Limited.
- 1.2 This application is subject to an objection in respect of this proposal from Sherburn in Elmet Parish Council, on the grounds of safety of the existing site access onto the B1222 proposed for use in connection with this development. The application is, reported therefore, to this Committee for determination.

**2.0 Background**

Site Description

- 2.1 Newthorpe Quarry is a magnesian limestone quarry located approximately 300 metres to the northeast of the A1(M) within the district of Selby. The stone worked is of the Cadeby Formation, formerly known as the Lower Magnesian Limestone. Operations at the quarry originally commenced many years prior to the requirement for planning permission in 1947. Historic maps show a quarry site in existence during the middle of the 19<sup>th</sup> century and the site had a rail connection from the late 19<sup>th</sup> century until about the late 1940s/early 1950s. The Applicant's land holding is approximately 15 hectares, of which approximately 13 hectares of land is currently subject to extraction, or has been affected by previous quarrying. Land to the east of that is also a former part of the old quarry; and, as indicated on the Appendix A plan, is the site of a 2.9 hectare restored landfill.
- 2.2 The Quarry is relatively isolated within an area of arable agricultural land at an elevation between 67 and 49m above Ordnance Datum (AOD) and has been worked to a depth of between 18m and 24m, shallowing to the east, with the floor at between 40m and 37m AOD. The topography of the land surrounding the quarry generally slopes northwest to southeast and undulates gently. There is hedgerow along the eastern side of the A1(M) and there are limited lengths of remnant hedges along some field boundaries in the locality. A linear woodland bounds the railway line to the north of the quarry. The north-west corner of the older part of the quarry is well vegetated with mature woodland as shown on the aerial photo in Appendix B. There are a few groups of trees, including on the eastern side of the bridge where the B1222 crosses

over the A1(M) on the north-facing slope between the bridge and the entrance to the quarry and a group about 68 metres long by 12 metres wide approximately 220 metres due north of the site entrance of the B1222 to the east of the access road. Highroyds Wood and Castle Hills is an extensive Ancient Woodland area lying approximately 400 metres to the west of the site on the western (City of Leeds Council) side of the county boundary with North Yorkshire between the A1 (M) and the railway (the county boundary is indicated to the west of the quarry by a dashed line on the aerial photo in Appendix B).

- 2.3 Following mothballing in 2007, the Quarry reopened in 2017 and quarrying is currently taking place in four phases (1 to 4) under the terms of the Planning permission C8/59/43/PA dated 26 February 2019. Production in 2018 amounted to around 120,000 tonnes. Planning permission reference C8/2017/1230/CPO dated 26 February 2019 granted consent for a northern extension of the quarry as Phase 5 of the site. The planning permissions divide the working area into 5 Phases, as shown on the plan in Appendix C. Phase 1 is worked-out and extraction of Phase 2 is currently taking place and Phases 3 and 4 remain in agricultural use. The application details state that reserve figures are calculated on the volume of stone that lies more than 1m above maximum groundwater levels and the supporting statement refers to Phases 3, 4 and 5 as containing 494,400, 612,000 and 390,000 tonnes of reserve respectively and have yet to commence. Conditions attached to both permissions allow mineral production of up to 250,000 tonnes per annum and the permitted mineral reserve at 1 January 2017 was approximately 0.9m<sup>3</sup> or 1.8 million tonnes at 2 tonnes/m<sup>3</sup>, sufficient for 7.2 years at a projected production rate of 250,000 tonnes per annum.
- 2.4 The quarry produces a range of aggregate mineral products and various sizes of crushed rock and dusts. The Quarry currently directly employs six people and a varying number of directly employed lorry drivers, as well as providing work for local hauliers and tradesmen.
- 2.5 The nearest properties to the quarry comprise Brookfield House, 1 Brookfield House, 2 Brookfield House and Dale Cottage that are approximately 135 metres to the north of the railway which forms the northerly boundary of the former quarry workings (and 250m from the current quarry workings). The quarry is approximately 350 metres to the west-south-west of the edge of the small village of Newthorpe where the nearest properties there are on Hall Lane at Hill House Cottage and Farm. The B1222 between the A1(M) and Sherburn in Elmet is a rural two-way single carriageway road with a 60mph speed limit with a number of isolated dwellings and farmsteads fronting on to it, and Squires Café is located on the east side of the B1222 approximately 630m to the east of this application. South Milford is 2.6 kilometres to the east-south-east and Sherburn in Elmet is 2.7 kilometres to the northeast of the site. The county boundary with Leeds City Council is approximately 450 metres west of the edge of the quarry (455 metres from the edge of the land which is the subject of this report), and New Micklefield is the nearest part of the nearest village, Micklefield, at approximately 1 kilometre to the west of the quarry within the Leeds boundary. The Milford Hotel with three adjacent dwellings (including Hazeldene) lies 550m to the south-south-west on the north side of the A63, together with Pointer Farm and an adjacent dwelling at 800m. The A1(M) separates the hotel, farm and dwellings from the land to the west and southwest of the Quarry.
- 2.6 Historically, access was gained to the quarry south-westwards along Hall Lane in Newthorpe from the B1222, but on 13 April 2017 Planning Permission C8/59/41A/PA was granted for a new, purpose built, access road to connect the quarry southwards onto the B1222, subject to 15 planning conditions. The new access road opened in April 2019 and the use of the Hall Lane access has ceased.

2.7 The following constraints affect the site, and Appendix A constraints plan shows the key ones:

- Agricultural Land Classification – Grade 2;
- Airfield Safeguard Zone - Leeds Bradford Airport – The site is more than 20 kilometres from the airport, and, whilst it lies within a Wind Turbine Development Consultation Area of 30 kilometres radius, this constraint is not relevant to the planning application that is under consideration. The site also lies 7.3 kilometres within the 13 kilometre radius zone for Church Fenton Aerodrome (MOD) which includes a requirement for consultation on any applications involving a refuse tip
- Private Airfields at Garforth and Sherburn in Elmet are approximately 3.0 kilometres and 4.7 kilometres from the site;
- Impact Risk Zones identified by Natural England for two Sites of Special Scientific Interest (SSSI) are relevant for certain types of development and, in this case, this includes all types of landfill. The nearest SSSI is Micklefield Quarry SSSI that is approximately 1.1 kilometres to the north-west, to the west of the A1(M) to the south of the railway through Micklefield. The ‘Madbanks and Ledsham Banks’ SSSI is approximately 1.7 kilometres to the south of the site to the west of the A63, near the village of Ledsham; and, the Sherburn Willows SSSI is approximately 2.4 kilometres to the east-north-east between the villages of Newthorpe and Sherburn in Elmet to the north of the Selby to Leeds railway;
- Environment Agency – the site is located within Flood Zone 1 so is at low risk of fluvial or tidal flooding. Areas of Flood Zones 2 and 3 lie along Newthorpe Beck 215 metres north-east of area of proposed development;
- The Smeaton Ridge Locally Important Landscape Area – includes the application site;
- Nottinghamshire Coalfield consultation area– the application area lies outside the development high risk area identified by the Coal Authority;
- The Newthorpe Quarry Historic Landfill Site – abuts the north-eastern side of the application site and is restored to grassland;
- Green Belt – The application site lies wholly within the West Yorkshire Green Belt
- Site of Importance for Nature Conservation (SINC) – part of the proposed development lies within the Newthorpe Quarry SINC site. The SINC includes established woodland. It is also partly on land indicated as being an historic landfill site. The Newthorpe Farm Grassland and Verge SINC site lies 23 metres north from the proposed development on the north side of the Selby to Leeds railway line;
- Scheduled Ancient Monument (SAM) – The 32.7 hectare Castle Hill ‘Prehistoric settlement, field system & medieval wood banks’ is immediately to the west of the proposed development. Scheduling took place on 2 July 1999. The quarry, including the current area of extraction (Phase 2) therefore lies within the setting of the SAM, and this setting also includes the agricultural land to the south-west of the quarry, as well as the agricultural land to south of Phase 2, which is currently undisturbed, but which is scheduled for stripping (as Phase 3) and which is of potential archaeological significance;
- Public Right of Way outside National Parks – Footpath 35.39/3/1 goes south-west from Newthorpe across the site and a partial diversion is in place round the current Phase 1 of the quarry before continuing west along a track known as Highfield Lane to the southern end of Castle Hills. Appendix A shows the current route of the footpath diversion. A diversion order was confirmed in February 2018 to divert the right of way around Phases 3 and 4 to allow mineral working to take place. The diversion will not be implemented until the preparation stage for working within Phase 3 is reached, and then again, before Phase 4 commences;
- The National Rail Network – the line between Leeds and Selby lies approximately 10 metres from the edge of the overall boundary of Newthorpe Quarry, but is approximately 160 metres to the north of the proposed development;
- Highways Agency – The A1(M) motorway is 190 metres south of the area of proposed development;

- Listed Buildings – Newthorpe Cattle Creep Bridge is the nearest listed building and is Grade II. It is over 250 metres north-west of the area of proposed development;
- Ancient Woodland - Highroyds Wood/Castle Hill Woods is over 400 metres west of the area of proposed development;
- National Grid electricity overhead lines are more than 500 metres from area of proposed development.

2.8 Natural England defined National Character Areas profiles (NCA) in 2014, based on a combination of landscape, biodiversity, geodiversity and economic activity and follow natural, rather than administrative, boundaries. The application site is within the NCA Profile 30: *Southern Magnesian Limestone* that is characterised as an elevated ridge with smoothly rolling landform of fertile, intensively farmed arable land creating a generally large-scale, open landscape. In November 2019, Selby District Council published an updated Selby Landscape Character Assessment. Newthorpe Quarry lies within the *West Selby Limestone Ridge Landscape Character Area* that is located along the western boundary of the district. The profile describes this area as being: rolling arable farmland with irregularly shaped large fields, defined by hedgerows and field margin buffers, and mineral sites for limestone extraction from local influences, including at Newthorpe. Major transport links dissect this landscape including the A1(M) and large areas of calcareous woodland occur on the western edge of the area included to the north and west of the quarry. Selby District Council designates much of this landscape character area as a Locally Important Landscape Area (LILA) because the rolling limestone ridge is one of the more scenic landscapes within the district due to its varying landform and tree cover.

2.9 The plan attached to this report as Appendix A includes the application site, and it is also shown on Appendix D.

#### Planning History

2.10 The planning history relating to the proposed development site relevant to the determination of this application is as follows: -

- Certificate No.170 (online application no. MIN2422) permitted on 21 May 1947 a limestone quarry extension under the terms of the Town & Country Planning Acts, 1932, 1943 and 1944 and the Town and Country Planning (General Interim Development) Order, 1945 was implemented and subsequently superseded upon the determination of C8/59/11C/IDO.
- TA/5849 (online application no. MIN2423) granted on 10 October 1972 was for the use of part of the worked out part of the quarry for a) strictly controlled tipping of domestic refuse, and b) strictly controlled tipping on non-toxic industrial waste was implemented and has been restored.
- C/8/59/11/PA (online application no. MIN2426) granted on 7 March 1980 was for the tipping of domestic refuse on an area of 3135 square metres was implemented and has been restored.
- The use of land at the site for waste disposal under permissions TA/5849 and C/8/59/11/PA ceased in the 1980s.
- C8/59/11B/IDO (online application no. MIN2420) registered the Interim Development Order Consent Certificate No.170 as being valid on 21 February 1992 onto the planning register and related to an area of approximately 6.5 hectares of the southern part of the quarry.
- C8/59/11C/IDO (online application no. MIN2425) determined that the interim development order consent registered as C8/59/11B/IDO should be subject to new planning conditions, under the provisions of Section 22 and Schedule 2 of the Planning and Compensation Act 1991, which were regarding the review of old mining consents. This permission was implemented and has now been superseded by the implementation of planning permission C8/59/43/PA in 2019.

- C8/59/41A/PA (online application no. NY/2017/0001/FUL) granted on 13 April 2017 the construction and use of a new access road to serve the existing quarry has been completed and is in use.
- C8/59/43/PA (online application no. NY/2017/0266/MRP) determined on 26 February 2019 new planning conditions to apply to the development, following a periodic review of the decision notice C8/59/11C/IDO. Extraction is taking place under the terms of this permission which is authorised only until 21 February 2042.
- C8/2017/1230/CPO (online reference NY/2017/0268/ENV) was granted on 26 February 2019 for the 4 hectare northern extension to the existing limestone quarry, and the erection of site offices/amenity block (74.3 sq. metres), weighbridge, weighbridge office (9.6 sq. metres), generator cabin (6 sq. metres), and mobile processing plant and a stockpile area. The weighbridge office are now in place, but the installation of the other buildings is yet to occur.
- Online reference NY/2019/0144/A27 is an application for the approval of details reserved by condition No's 5, 6, 11, 13 & 25 of Planning Permission Ref. C8/59/43/PA. The details relate to a Protection Plan & Management Plan, Water Protection, a scheme for the monitoring of groundwater levels and a Dust Action Plan and is awaiting determination pending the resolution of an objection raised by the Environment Agency.
- Online reference NY/2019/0145/A27 is an application for the approval of details reserved by condition No's 5, 6, 11, 13 & 25 of Planning Permission Ref. C8/2017/1230/CPO. The details relate to a Protection Plan & Management Plan, water protection, scheme for the monitoring of groundwater levels and Dust Control is awaiting determination pending the resolution of an objection raised by the Environment Agency.

### 3.0 The proposal

- 3.1 Newthorpe Aggregates Limited is seeking planning permission for waste recycling and restoration by infill on land at Newthorpe Quarry, to the south-west of the village of Newthorpe. The total development site area is 9.7 hectares and includes the development's existing access road to and from the B1222 as outlined in red on the plan attached (Appendix A). The development proposals also includes the erection and installation of an outside crushing, screening and washing plant (approximately 13 metres high), and associated equipment as described in paragraph 3.2 below. Overall the proposals will involve the majority of the quarry area that has planning permission for the extraction of limestone with the exception of the northern part of Phase 5. The excluded Phase 5 area is to remain at quarry floor level and restoration will be in accordance with the existing approved plans to limestone grassland. The process of quarrying within the ROMP permission (C8/59/43/PA) and the permitted extension (C8/2017/1230/CPO) would continue through the quarry Phases 2, 3, 4 and 5. Although the Applicant proposes that Phase 5 would be completed after Phase 2 and before Phase 3. A planning condition in both quarrying permissions limits the production of mineral in connection with that permission, and/or in combination with production permitted by the other planning permission to not exceeding 250,000 tonnes per year and also that at no point shall there be extraction from more than one phase at the site at a time.
- 3.2 The Applicant estimates that the available void space for infilling is 1.1 million m<sup>3</sup>, or 2 million tonnes. At an input level of 220,000 tonnes per annum, the Applicant expects it would take approximately 9 years to fill. The rate of infill would, however, be dependent upon the rate of extraction from the quarry, because sufficient working space is required on the quarry floor at all times. Therefore, if the rate of excavation slows, the rate of infill would, similarly, have to reduce, or temporarily cease, at times. Infill and recycling would commence with the establishment of a new recycling

compound on the quarry floor. The compound (61 metre by 34 metre) would contain a screen and crusher, together with stockpiles of unprocessed and processed materials. A new washing plant located on a concrete base would be self-contained for water circulation and would not require settlement lagoons. This area would also include a crusher and screening equipment to grade the material into the products for sale and would be capable of providing a range of products including soils with the aim of recycling as much of the imported material as possible. This plant would be in addition to the existing quarry plant (weighbridge, weighbridge office, generator cabin and site offices and amenity blocks) that were permitted as part of the planning permissions granted in 2019. In addition to the existing quarry mobile plant, the proposed operations would require a D6 dozer, a loading shovel, dump truck and an excavator. The operator proposes to use a mobile lighting unit with a telescopic tower (minimum height 2.44 metres and maximum height 8.5 metres) equipped with high efficiency LED floodlights powered by a rechargeable battery pack, which would enable continuous use for up to 8 hours with no carbon dioxide emissions, fuel consumption or noise. The diesel backup generator would only automatically start once the tower had used the stored energy in the battery pack and would power the lamps and recharge the battery pack at the same time, and then the generator would automatically turn off.

- 3.3 Imported waste would be deposited on a stockpile and any waste not containing recyclable materials would be deposited as part of the landfilling. The design for the fill operation is for an annual input of 220,000 tonnes, 175,000 tonnes of which would be imported direct to the areas to be landfilled. However, as much as possible of the imported wastes (primarily construction, demolition and excavation materials), is proposed to be recovered (through crushing, screening and placement in product stockpiles) as aggregate for sale, alongside the primary aggregates produced at the quarry. Skips are to be available for storage of non-aggregate materials such as metals, plastics and wood, as well as quarantined materials. The Applicant anticipates that the recycling facility itself would handle imports of 150,000 tonnes per annum of which 70% would be recycled. However, an expected 30% (unsuitable for recycling) would be deposited as fill material within the landfill.
- 3.4 The majority of the waste accepted would be construction, demolition and excavation (CD&E) wastes, street cleaning residues from road sweepers would also be accepted as well as waste packaging, including glass, and furnace slags. No wastes consisting solely or mainly of dusts, powders or loose fibres, hazardous wastes and wastes in liquid form would be accepted. The fill would not include biodegradable wastes such as wood and vegetation. The residue of this waste would be backfilled into the Quarry to provide for restoration at original ground levels over the southern part of the excavation area. These parts would be subject to the requirements of an Environment Agency Environmental Permit, so are likely to have a liner, with gas and leachate monitoring installed, clay barrier layer, a leachate collection liner and a drainage layer. The proposed SuDS-based surface water drainage scheme would ensure that all surface water is contained within the site boundary and discharged to underground strata, with no increase in flood risk at the site or create flood risk elsewhere.
- 3.5 The rate of mineral production together with the volume of wastes available, the recycling rate and the sales of recycled aggregate are all highly variable depending on the local economy. However, the Applicant proposed that the recycling works would commence in 2020 and end in approximately 2033, prior to the proposed infill being completed. The recycling infrastructure and storage area would be located below ground level within the existing working quarry and therefore not visible in the landscape. Therefore, site restoration would be progressive as mineral extraction proceeds and this would be in a generally west to east direction. Restoration would seek to create a range of limestone grassland habitats extending to approximately 1.73 hectares larger than those proposed to be created within the existing planning permissions.

- 3.6 The current quarry planning permission requires that workings do not extend to groundwater and that there should be a minimum of 1m of unsaturated zone between the quarry floor and the groundwater level in the underlying aquifer in order not to affect the quality of the aquifer. The maximum groundwater levels are currently monitored using 4 boreholes around the quarry perimeter. The excavation floor levels were determined by groundwater levels recorded on 6 occasions between July 2017 and January 2019. The Applicant proposes that groundwater level measurements would continue to be taken, using the existing four boreholes spaced around the quarry, at three monthly intervals during the progress of excavation in order to monitor the maximum groundwater levels to enable monitoring of any potential impact from the quarry operation and the proposed recycling and landfill. Retention of an unsaturated zone precludes the development of direct drainage pathways to groundwater and mitigates risk of direct contaminant migration to groundwater. These levels do vary seasonally and over extended periods, analysis of the boreholes done for the Applicant currently indicates that groundwater in the Cadeby Formation is currently uncontaminated and consistent with drinking water standards. Although a specific contaminated land assessment has not been undertaken in respect of this application, the Applicant is aware of suggestions that there is potentially contaminated ground within the quarry boundary and also of the presence of an adjacent historic landfill site and intends that specification of appropriate mitigation measures would be dependent on further investigation and assessment during quarry development and the Applicant keeps that under review.
- 3.7 Levels would be raised, broadly moving west to east in three phases, with the first infill phase on the western side of the quarry (Appendix E), within Phase 2 of the current quarry phasing (see drawing 10132D/03/1C). As infill progresses eastward in the second infill phase (drawing 10132D/03/2B in Appendix F) the completed surface on the western side would be restored to agriculture. Tree planting is proposed to also gradually take place along the northern flank of the fill. The lower level of the access road would divert to accommodate the fill, as filling progresses. The third infill phase (attached as Appendix G) would commence when excavation of Phase 4 is completed. Infill would start at the eastern end and progress westward, and with progressive restoration to agriculture on the completed surface (10132D/03/3B). The final infilling phase would complete the restoration landform in the centre of the site, prior to the removal of all plant and machinery. Restoration would progress as infill proceeds starting in the northwest part of the site in a south-easterly direction. Restoration would be to agriculture with woodland on the slopes. The northern part of the quarry would remain as limestone grassland at quarry floor level, without any infilling. An access ramp would remain to form an agricultural access onto the northern quarry floor. The profiling of any remaining quarry faces to remain would occur during active extraction to ensure long-term stability and then left to regenerate naturally. Ledges, formed naturally on the faces, would be capable of providing nesting opportunities for Peregrine Falcons. Limestone fine mounds formed on the quarry floor would be capable of providing a nesting resource for Sand Martins.
- 3.8 The objective would be to restore the site to a mix of agricultural use and amenity woodland on the slopes down onto the quarry floor. An aim is to retain and protect important existing habitats including areas of woodland, limestone grassland and limestone grassland/open scrub communities. Where vegetation must be removed to access mineral deposits, topsoil stripped from limestone grassland areas would be stored in low mounds, separate from other materials so that they can be used in the progressive restoration of limestone grassland areas. Marginal areas of limestone grassland and scrub habitat along the northern and eastern site boundaries will be retained and protected where possible particularly along the top of the quarry faces as a seed bank to assist in restoration. The proposal includes that significant areas of limestone grassland would be created to compensate for losses (due to quarrying) and

this would using a range of substrates and suitable wildflower seed mixes to create a diversity of natural re-vegetating and newly created limestone grassland in the final restoration. However, no percentages for the split between agriculture/water/nature conservation/woodland has been submitted and the Applicant originally proposed that a detailed restoration scheme should be submitted within 18 months of a grant of planning permission. However, in the light of the consultation responses a revised restoration scheme (Drawing 10132D/04B Infill & Recycling Restoration Scheme, dated 12 February 2020) was submitted in February 2020.

- 3.9 The area that would be returned to agriculture would be restored via ripping of the fill surface to assist drainage, before loose tipping of subsoils in layers that would be subsoiled with stones exceeding 230 millimetres (mm) in any direction being removed if they are within 250mm of the subsoil surface. Topsoil placement would be similar via loose tipping and stone picking, prior to seeding in accordance with a scheme to be agreed with the County Planning Authority. Soil handing would only occur in suitable weather conditions when soil moisture conditions are suitable and the topsoil is in a dry and friable condition.
- 3.10 The tree planting areas would not receive topsoil (to limit grass growth), but the subsoil would be ripped prior to planting. The planting mix proposed in the supporting statement was for a 30% mix of deciduous trees (oak, field maple, birch and crab apple) and a 70% shrub/understorey (hawthorn, hazel, blackthorn, holly, elder, dog rose, guelder rose and wych elm). Planting would be undertaken at 1.5m centres using a combination of 40-60cm transplants and pot-grown stock that would be notch-planted. All would be protected with rabbit guards. The planting mix along the western boundaries of Phases 2 and 3 would be varied to 15% tree species and 85% shrub/understorey species in order to maintain views out from the Scheduled Monument to the west of the Quarry. Planting and seeding would be undertaken in the first available season following the completion of restoration and would be subject to a 5 year statutory aftercare period,
- 3.11 Agricultural aftercare would involve a low maintenance grass mix, which once established, would be cut for silage or hay twice yearly with sheep grazing afterwards. The maintenance over the 5-year aftercare period would be by the site operator, with subsoiling, removal of large stones and operations occurring when the topsoil is dry & friable. Drainage would rely on vertical percolation into the underlying limestone, but any issues would be rectified. Fertiliser status and pH checks would occur each spring to ensure the nutrient balance of the grass. Weed control would also occur. Annual meetings with the Mineral Planning Authority would discuss proposals for the forthcoming year & review the previous year's results.
- 3.12 Woodland aftercare would include tending for 60 months (the aftercare period) from the date of completion of all works, including replacement of plants that die during the establishment of the planting. Weed control of planting areas would be via use of a suitable herbicide or by regular cultivation. Areas around trees would be hand trimmed. Checking of all plastic shelters, stakes, spiral guards and bamboo supports would occur to ensure they are firmed.
- 3.13 Operational hours would remain as in the existing planning permissions: 07:00 to 18:00 on weekdays and 07:00 to 13:00 hours on Saturdays. No operations would take place on Sundays or Bank/Public Holidays.
- 3.14 The access to be used is from the B1222 to the south of the site which was permitted in 2017 and opened in April 2019 for use as the route in connection with this development. This use would include the exportation of up to 250,000 tonnes of aggregate equating to equating to around 4 loads per hour so up to 48 loads per day. The proposed import of 325,000 tonnes of waste would generate between 39 and 62



loads per day, averaging around 6 loads per hour. The proposed export of 105,000 tonnes of recycled waste would equate to around 1 load per hour so up to 20 loads per day). Without any return loads the site would generate a total of 130 loads per day, and up to around 11 loads per hour. However, the Applicant proposes that the site would operate in such a way that return loads would be carried out and Applicant's experience at other sites is that it is envisaged that 50% loads would be return loads.

- 3.15 Prior to the submission of the application and due to the limited number of properties affected, the applicant notified these through the delivery of an information letter, which contained an invite to contact the quarry manager directly to discuss any concerns. A discussion was also been held with the Newthorpe Parish Council.
- 3.16 An Environmental Statement (ES) accompanies the planning application and the original one submitted in September 2019 was superseded in November 2019 by a revised version. It uses the existing quarry operations as the baseline to assess the impact of future recycling and infill activities. The ES includes chapters relating to the assessments undertaken for various topics, and the Applicant has commissioned technical reports from expert consultants to assess the impact of the proposed activities on the locality around the Quarry including cumulative effects and the assessments' conclusions are set out briefly below.
- i.) Cultural Heritage (Archaeology) – The Heritage Assessment considered the impact on the setting of designated heritage assets including the Scheduled Monument. The proposal is within the existing quarry and includes quarrying areas where archaeological mitigation is already agreed. No direct (physical) effects upon heritage assets would take place, as the development proposed would occur where mineral extraction was already completed and predicted adverse effects previously mitigated. Predicted indirect (visual) effects would be limited to the scheduled site and additional (cumulative) noise from plant and vehicle movements in the quarry and vehicle movements on the access road. No odour impacts are predicted. Although recycling and infill would continue for 5 to 10 years there would be a negligible effect upon the monument's significance as the remains, its preservation and its contribution to further study would not be affected. In the latter stages of the development, plant would be visible and audible during capping and restoration of the landfill and removal of the surrounding bunds. The Assessment considered the impact upon the setting of the eastern part of the monument would be a minor to moderate, but temporary adverse effect (dependent upon distance), with a consequential minor and temporary adverse effect upon the significance of the monument. Following the completion of restoration the trees, shrubs and hedge planted around the margins of the quarry would largely screen the restored landfill. Existing views from the monument further to the east (other than from along the very eastern edge of the scheduled area adjacent to the quarry) would not be obscured due to the low proportion of trees so the change to the existing setting of the monument would be limited. Restoration would result in a larger proportion of the quarry being infilled and returned to agricultural use and a reduction in the extent of former quarry faces remaining exposed. The Assessment concluded that the impact upon the setting of the monument would to be a minor long term beneficial effect (and a negligible beneficial effect upon its significance).
- ii.) Landscape and Visual Impact – The Landscape and Visual Impact Assessment (LVIA) considered the physical characteristics of the site and surroundings; the landscape character, visual context and local receptors. The LVIA concluded that the proposals would preserve the openness and character of the Green Belt by containing the temporary operations and permanent restoration to the application site's footprint. It also considered that the maturing boundary woodland would not inhibit views out to the wider landscape from the existing footpath and that when

viewed from the south the woodland edge would '*become almost indiscernible against the backdrop of existing woodland*'. Adverse effects would decrease after quarrying finished and become insignificant over a longer term. Effects from further afield would be negligible due to distance and the quarry being small within the wider landscape. The prediction was for a cumulative moderate/slight adverse magnitude of effect for the six year period when the waste development proposals and quarry extraction were occurring at the same time, but reduced to slight adverse after 2026.

- iii.) Ecological Impact – The Ecological Impact Assessment included a desk study that reviewed records of any protected or notable species, habitats and designated nature conservation sites within a 2 kilometre radius of the Site and also examined a 10 kilometre radius for International and European conservation sites including Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites. An extended phase 1 habitat survey provided sufficient information on the composition of the vegetation present to enable it to be characterised and assessed. It considered the continued operation of the quarry as three phases have still to occur, and the proposed recycling operation and the partial infill of the quarry void. Much of the current site is bare ground in the active quarry and supports very little vegetation. Woodland has developed in the northwest corner within the SINC boundary and there is a moderately diverse woodland ground flora with some typical limestone woodland vegetation of County value which would be retained. Other areas of calcareous grassland/scrub have developed on areas of former calcareous grassland but are moderately species rich, supporting a range of plants typical of dry calcareous grassland habitats which is also of County Importance, prone to decrease where scrub development shades it out, so should be retained where possible. The Assessment recommended that where habitat was lost, it should be compensated for through creation of new areas of open calcareous grassland in the restoration. It considered that significantly larger areas of calcareous grassland habitat would be created than currently exist on site leading to a positive ecological benefit. The quarry and adjacent woodland/scrub habitats were of potential value to feeding and commuting bats but, no significant impacts upon roosting bats were predicted. Mitigation is suggested to provide new Sand Martin nesting opportunities as part of the restoration scheme.
- iv.) Highways and Traffic – The Transport Assessment noted that concluded that the traffic movements associated with this development should be acceptable in terms of both highway capacity and road safety. It noted that the B1222 is a local distributor road that provides access between the A63 and A1(M) and Sherburn in Elmet and also links to other access roads including those that lead to South Milford and roads leading to residential properties and farmsteads. The proposed increase in traffic was considered to be not perceptible from the daily fluctuations in flows expected on the local network and readily accommodated in this location with suitable links to the wider strategic road network. The assessment took account of the proposed operations and existing operations combined being:
- the export of up to 250,000 tonnes of aggregate per year equating to around 4 loads per hour (up to 48 loads per day);
  - the proposed export of 105,000 tonnes of recycled waste equating to around 1 load per hour (up to 20 loads per day); and,
  - The proposed import of 325,000 tonnes of waste that would generate between 39 and 62 loads per day, averaging around 6 loads per hour.
- Without any return loads the site would generate a total of 130 loads per day, and up to around 11 loads per hour. However, the actual number would depend on the type of HGV used as this may be either a rigid bodied vehicle containing 19 tonnes or an articulated vehicle containing 30 tonnes. There

may also be a degree of return loads, which would reduce the total traffic movements.

- v) Hydrological and Hydrogeological Impact – the Hydrological and Hydrogeological Impact Assessment identified Newthorpe Quarry as being located within the surface water catchment area of Newthorpe Beck, which is a tributary of the River Aire. The quarry is free draining with no off-site discharge of surface water. The site is designated Flood Zone 1 and is at low risk of fluvial flooding. The quarry is developed within the Permian limestone layer called the Cadeby Formation. This is a Principal Aquifer of high regional water resource value. The presence of potentially contaminated ground within the quarry boundary and the presence of an adjacent historic landfill site creates a requirement to adopt development and management practices that mitigate any risk to groundwater quality. The proposed landfill would incorporate an engineered lining system comprising an artificial clay barrier layer with a minimum specification equivalent to 1.0m thickness and  $1 \times 10^{-9}$ m/s permeability. A leachate collection liner would be installed above the clay layer with a leachate drainage layer on top. The engineered containment and leachate drainage system would allow collection and management of any leachate generated from the waste. Groundwater quality control and trigger levels are proposed to enable monitoring of groundwater quality using the existing up-gradient and down-gradient monitoring boreholes.
- vi) Noise Impact – The Noise Impact Assessment recorded background noise levels at five locations around the site: Brookfield House/Dale Cottage to the north, Hill House Cottage on Hall Lane to the north-east, Squires Café on the B1222, Pointer House and Hazeldene on the A63. Short term surface activities such as soil stripping and soil bund formation/removal were likely to have a much higher impact than activities which would be undertaken below ground level and the proposed waste recycling and landfill operations are expected to occur simultaneously alongside extraction operations and so the combined effects of these operations was assessed. The assessment of such activities was also made on using worst case scenarios: a) extraction from Phases 1 – 4 in combination with recycling and landfill operations and b) extraction from Phase 5 in combination with recycling and landfill operations. For scenario a) the predicted worst case site noise levels were 54 dB  $L_{Aeq,1h}$  (free-field) at Hill House Cottage and 52 dB  $L_{Aeq,1h}$  (free-field) at Hazeldene. For scenario b) the predicted worst case site noise levels were 51 dB  $L_{Aeq,1h}$  (free-field) at both Hill House Cottage and Hazeldene. Therefore all predictions calculated at below 55 dB  $L_{Aeq,1h}$  (free-field), the level likely to lead to complaints. Guidance allows a temporary daytime noise limit of 70 dB  $L_{Aeq,1h}$  (free-field) for periods of up to 8 weeks in a year to facilitate such activities. The Assessment recommended that normal daytime limits for noise generated by the quarry activities should be set at 55 dB  $L_{Aeq,1h}$  (free-field) for the properties in respect of 'Normal Operations' (Extraction, Stockpiling, Infilling, Processing and Haulage). Short-Term Operations (e.g. Soil Stripping, Bund Formation/Removal, Restoration) were recommended to not exceed 70 dB  $L_{Aeq, 1h}$  (free field) at noise-sensitive properties and be limited to a period not exceeding 8 weeks at any one property.
- vii) The Air Quality Assessment primarily considered the potential for dust emissions. Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) "Land-Use Planning and Development Control: Planning for Air Quality 2015" guidance suggests: that exhaust emission assessment is only necessary with a change of HGV traffic flows in excess of 100 movements per day Average Annual Daily Traffic AADT where the site is not within, or adjacent to, a declared Air Quality Management Area (AQMA). There are no AQMA in the vicinity of the

application site and the Assessment considered that the change in HGV traffic flows was not exceeded in the proposal at Newthorpe Quarry and therefore, the exhaust emissions from Site mobile plant, generators and from road transport were considered to be likely to be very small when compared with ambient NO<sub>2</sub> and particulate levels due to the low level of activity. The A1(M) to the west of the Quarry was likely to be to be the primary source of vehicle emissions in this locality. Dust control would concentrate on preventing dust emissions beyond the site boundary and be centred on using water to condition materials and damp down running surfaces. As dry windy circumstances can make effective dust control difficult, when local wind speeds exceed 20 metres per second in dry conditions, all site operations would be suspended that have the potential to give rise to fugitive dust emissions beyond the Site boundaries.

- viii) Socio-economic Impacts - The key aspects of the proposals with regard to local socio-economic effects are as follows. The operation of the recycling and disposal facility alongside current quarrying operations would provide employment for up to 12 people on site plus the proposed transfer of 6 existing employees from the Betteras Hill Quarry offices. There would be benefits to local industry and service suppliers including repairs, servicing and supplies for site mobile plant, equipment hire, haulage and the supply of fencing, site cabins, and other materials; together with expenditure of wages within the local economy.

#### Proposed Section 106 Agreement

- 3.17 Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal and a draft Section 106 Agreement was submitted by solicitors acting for the Applicant in March 2020 in connection with the proposed development to voluntarily address a concern (objection from Sherburn in Elmet Parish Council) about traffic through Sherburn in Elmet. The Applicant proposes to enter into an obligation with the County Council in relation to the HGV routeing to and from the application site. Thus HGV traffic approaching the site would only approach from the south-west on the B1222 (with the exception of local deliveries) and HGV traffic leaving the site would turn right out of the site and continue south-west to the A63 and thence away from Sherburn in Elmet.

## **4.0 Consultations**

- 4.1 As required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 formal consultation occurred with the following bodies, agencies and organisations. Furthermore, as required by the Regulations, notification of the Secretary of State (National Planning Casework Unit) of the planning application occurred on 3 December 2019. The National Planning Casework Unit confirmed on 31 December 2019 that it had no comments to make on the submitted Environmental Statement.
- 4.2 The consultees responses summarised within this section of the report relate to responses to the consultation on 3 December 2019; with the consultation with Leeds City Council that occurred on 12 December 2019, and the consultation with the Lead Local Flood Authority that occurred on 27 January 2020.
- 4.3 **Selby District Council (Planning)** – confirmed on 17 December 2019 that the Development Management Section had no objections or comments to make on the application. However, it requested that the application be assessed against relevant policies in both the Selby Core Strategy and the Local Plan relating to Green Belt and the site's location within the Local Important Landscape Area. The response also referred to the publication in 2019 of a report commissioned by the District Council and

produced by Land Use Consultants Ltd. It is an updated landscape character assessment (LCA) of the District to inform policy-making, landscape management, and development management decisions and has replaced the previous assessment done in 1999.

- 4.4 The response drew attention to the need for advice from heritage services due to the close proximity to the Ancient Monument ref 1019403 "Castle Hill Prehistoric Settlement / field system and medieval wood banks". The letter also referred to district council records showing the site as being potentially contaminated because of historic uses relating to waste treatment and disposal and that this may need reviewing with the Applicants.
- 4.5 **Selby District Council (Environmental Health)** – the response on 9 January 2020 noted that the Environmental Statement had considered noise impact on nearby sensitive receptors and that the assessment mostly reflected technical detail provided in respect of a previous application at the site (NY/2019/00268/ENV). Therefore, the Environmental Health Officer (EHO) recommended the imposition of conditions in order to protect residential amenity at nearby sensitive receptors regarding:
- carrying out the development in accordance with the Noise Assessment (ref: R.18.9298/4/AP)
  - noise levels at sensitive receptors to not exceed the background noise level ( $\text{dB}_{\text{LA90,1hr}}$ ) by more than 10 dB(A) subject to a maximum of  $55\text{dB}_{\text{LAeq,1hr}}$  during normal operations, and during short-term operations to not exceed  $70\text{dB}_{\text{LAeq,1hr}}$  limited to a period not exceeding 8 weeks in a year
  - The use of Hall Lane to be prohibited, and
  - Operating hours to be restricted to those proposed.
- 4.6 **Highway Authority** – initially requested on 18 December 2019 clarification about whether the developer owned the land proposed as part of the visibility splay for this development. After clarification that the Applicant controls the land for use as visibility splays and the Applicant would maintain these, there were no further queries, or comments.
- 4.7 **NYCC Heritage - Ecology** – initially advised on 4 February 2020 that the level of survey work undertaken to support the application was satisfactory and broadly agreed with the conclusions within the Ecological Impact Assessment. However, a revised restoration plan to clarify the proposed end land uses and site contours was requested. Clarification was also requested regarding securing an appropriate long-term management plan of the areas proposed for nature conservation end use as these were part within and part outside of the red line boundary of this development. The Principal Ecologist also wished to discuss the securing of protection and management of the adjacent woodland and the long term management of the calcareous grassland areas.
- 4.8 The Principal Ecologist confirmed on 27 February 2020, having seen the revised restoration plan (10132D/04B, attached as Appendix H) submitted by the Applicant's agent on 12 February 2020, that the ecological impact of the amended scheme, the mitigation proposed calcareous grassland restoration and management was now clearer. There was satisfaction that the restoration proposed would compensate for the impacts upon the Site of Importance for Nature Conservation (SINC) and that the principles set out in the Newthorpe Quarry Limestone Grassland Creation, Management and Monitoring Framework proposed by RDF Ecology in March 2018 were appropriate for the restoration of this application area. A condition would be required to ensure that the works are undertaken in accordance with recommendations set out in the Ecological Impact Assessment (August 2019) which forms Appendix ES3 of the Environmental Statement. There was also a need to secure the submission of a detailed restoration, management and monitoring scheme for the duration of the

quarrying and for the period of long term management which will expand on the principles set out in the March 2018 Framework.

- 4.9 **NYCC Heritage - Principal Landscape Architect** – initially responded on 31 January 2020, advising that the scheme is located within the Selby District Council Locally Important Landscape Area, and is in the Green Belt and that LVIA assessment had indicated moderate adverse landscape and visual cumulative effects so it is contrary to NPPF and local policy. Furthermore, the Infill & Recycling Restoration Scheme levels and contours were considered to be not clear on the submitted plans. Further information / clarification was requested to explain the landscape and visual effects in relation to the LILA and Green Belt, and what mitigation (primary, secondary, offsetting, compensation) was being proposed to make the submitted scheme acceptable in relation to these designations and to include reference to the recent government guidance on green belt and openness.
- 4.10 On 21 February 2020, the **Principal Landscape Architect** confirmed that, following consideration of the revised restoration plan (10132D/04B) submitted by the Agent for the Applicant on 12 February 2020 there were no objections to the proposed scheme, but the following should be within suitably worded conditions:
- Submission of a detailed landscaping scheme, together with programme for implementation, schedule for maintenance and aftercare for the duration of the quarrying and for 5 years following final restoration.
  - A review every 5 years of working and restoration of working, landscaping, restoration and aftercare by the developer in conjunction with the County Planning Authority.
  - Night lighting should be restricted and controlled.
- 4.11 **NYCC Heritage - Archaeology** – advised on 6 December 2019 that the proposal would take place within the existing quarry (or areas with permission for quarrying where archaeological mitigation had been agreed) and would therefore have no direct physical impact on archaeological remains which have already been removed. The heritage assessment considered the impact of the proposal on the setting of designated heritage assets and so the Principal Archaeologist would defer on that to the opinion of Historic England. There was therefore no objection to the proposal.
- 4.12 **Environment Agency - Leeds Office** – advised on 9 January 2020 that there was no objection to the development. It advised that the proposal would require a permit from the Environment Agency that would require measures to be in place to prevent pollution to ensure that there is no harm to human health, the quality of the environment, or the surrounding amenity and to ensure that there is no offence to a human sense or damage to material property.
- 4.13 **Historic England** – confirmed on 6 December 2019 that based on the information available to date it did not wish to offer any comments.
- 4.14 **Natural England** – advised on 11 December 2019 that based on the plans submitted, Natural England considered that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. However, it provided generic advice to address other natural environment issues with that relating to Sites of Special Scientific Interest, biodiversity, protected species in accordance with standing advice. Local sites, priority habitats and species consideration should be in line with paragraphs 171 and 174 of the NPPF and any relevant development policy. Ancient woodland, ancient and veteran trees consideration in line with Paragraph 175 of the NPPF. Protected landscapes as in NPPF Paragraphs 172. Landscape; best and most versatile agricultural land and soils to apply NPPF Paragraphs 170 and 171. Access and recreation; rights of way/Access land/Coastal access and National Trails as per Paragraphs 98 and 170 of the NPPF

and environmental enhancement as outlined in the NPPF paragraphs 8, 72, 102, 118, 170, 171, 174 and 175.

- 4.15 **NYCC Public Rights of Way Team** – advised on 4 December 2019 that there is a Public Right of Way, or a ‘claimed’ Public Right of Way, within or adjoining the application site boundary. If the proposed development will physically affect the Public Right of Way permanently in any way, an application for a Public Path Order/Diversion Order will need to be required. If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Until a temporary or permanent Order provides an alternative route, the Applicant should protect and kept clear of any obstruction the existing Public Right(s) of Way on the site. It is an offence to obstruct a Public Right of Way and the Highway Authority can take enforcement action to remove any obstruction. If there is a “claimed” Public Right of Way within or adjoining the application site boundary or the route is the subject of a formal application, then it has the same status as a Public Right of Way until the claim application is resolved. Where there is public access during the development period, the landowner should keep it free from obstruction and all persons working on the development site must be aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times. There is an incomplete Diversion Order affecting the route (SEL/2017/02/DO) that is currently awaiting certification and shown on the attached plan. The works required to achieve certification are dependent upon a successful decision concerning this application for planning consent.
- 4.16 The **Coal Authority** – confirmed on 5 December 2019 that the development was not within a defined Development High Risk Area, but was located instead within the defined Development Low Risk Area. Therefore, if the grant of planning permission is proposed, it was necessary for The Coal Authority’s Standing Advice to be included within the Decision notice in the form of an informative note to the applicant in the interests of public health and safety.
- 4.17 No comments have been received in response to the consultation from the following organisations: **Huddleston with Newthorpe Parish Council, Leeds City Council, Ministry of Defence Safeguarding Organisation, Sherburn Aero Club Ltd, or the Yorkshire Wildlife Trust**. The consultation reply from the **Lead Local Flood Authority** is due by 26 February 2020.

#### Notifications

- 4.18 **County Cllr. Mel Hobson** was notified of the application on 3 December 2019.

## **5.0 Advertisement and representations**

- 5.1 The proposal has been advertised by means of three Site Notices posted on 12 December 2019 (responses to which expired on 11 January 2020). The Site Notices were posted in the following locations: at the current entrance to the site from the B1222 near to the overbridge over the A1(M), next to the Huddleston with Newthorpe Parish Council notice board on Hall Lane, Newthorpe, and at the public footpath sign by the former gateway to the Quarry off Hall Lane. A Press Notice appeared in the Selby Times on 12 December 2019 (responses to which expired on 11 January 2020).
- 5.2 With respect to Neighbour Notification in accordance with the County Council’s adopted Statement of Community Involvement, it is considered that the posting of Site Notices rather than wider neighbour notification has been an effective means of drawing the attention of local residents to the existence of the planning application. The reasons are that the entrance to the quarry is no longer on Hall Lane, so traffic associated with

the development no longer passes through that part of the village of Newthorpe. The site notice at the eastern end of the footpath that leads from Hall Lane south-west past the quarry would be passed by people using the footpath south-west along Highfield Lane or travelling on Hall Lane towards the properties to the north of the quarry (e.g. Brookfield House and Dale Cottage). The other notice posted was on the roadside fence next to the Huddleston with Newthorpe Parish Council notice board on Hall Lane so would be passed by residents such as at Hill House Cottage.

- 5.3 No local residents have submitted representations in response to the abovementioned advertisement of the application.
- 5.4 **Sherburn in Elmet Parish Council**, which is a neighbouring parish to the east of the site, submitted comments on 7 January 2020. Initially, the Parish Council objected to the application on the grounds of safety of the site access onto the B1222 two-way single carriageway with a 60mph speed limit, with a '*horrendous safety record*'. The main concern was that many road users, including motor cyclists travel at unsafe speeds for the conditions. Hence, whilst road signage may help alert users of the road to the presence of the site, the HGVs might have to cross or enter the opposing carriageway in order to manoeuvre and also that material might be deposited on the B1222 from lorries, the wheelwash and the access track. The Parish Council considered that that all traffic must route westwards from the site and not through Sherburn in Elmet and South Milford.
- 5.5 The Parish Council were also concerned about noise generated from both the volume of lorries entering/exiting the site, and, the equipment used in the quarrying and the recycling process. The effect of dust, arising from vehicles using the access track and the equipment used in quarrying and the recycling process, on local residents and farming was further concern. The Parish Council considered that any waste material deposited at the site should be inert. It also feared that this might be another industrial activity near to Sherburn. That it would spoil the agricultural nature of the area, create an eyesore, and, set a precedent for other industrial activities to encroach on the Green Belt.
- 5.6 On 3 March 2020, the Parish Council welcomed the constructive engagement by the applicant and noted the points of support presented by the Chair of Newthorpe Parish Council at a Sherburn in Elmet Parish Council meeting. These included that the visibility splays at the new access were good and there had been no incidents. That Newthorpe Parish Council were not aware of any incidents relating to HGVs from the site during the last two years and that experience with quarry traffic using the new access road was that no mud was being left on the road. It noted that Newthorpe Parish Council had confirmed that noise from the quarry had not been an issue. Sherburn in Elmet Parish Council welcomed the applicant's intention to enter into a routing agreement such that only vehicles making deliveries to Sherburn and the local area will turn left out of the site and all other traffic (over 80%) will turn right towards the A63 and the A1. This eased the Sherburn in Elmet Parish Council concerns regarding vehicle routing and it was noted that a planning condition already applies in respect of noise. However, the Parish Council did not formally withdraw the objection.

## 6.0 Planning policy and guidance

### The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations



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

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

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

- The 'saved' policies of the North Yorkshire Waste Local Plan (2006), (NYWLP)
- The extant policies of the Selby District Core Strategy Local Plan (2013);
- The 'saved' policies of the Selby District Local Plan (2005).

Paragraphs 6.4 to 6.40 below relate to the policy matters within these Local Plans.

6.3 Weight in the determination process may also be afforded to emerging local policies, depending on their progress through consultation and adoption. In this respect, it is worth noting that the following document contains emerging local policies that are of relevance to this application:

- Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority); hereafter referred to as the MWJP.

The policy matters relating to the MWJP are referenced in paragraphs 6.42 to 6.61 below.

6.4 The North Yorkshire Waste Local Plan (adopted 2006) has 'saved' policies of relevance to this application and these are:

- 4/1 Waste Management Proposals
- 4/3 Landscape Protection
- 4/7 Protection of Agricultural Land
- 4/10 Locally important Sites
- 4/16 Archaeological Sites
- 4/18 Traffic impact
- 4/19 Quality of Life
- 4/20 Open space, Recreation and Public Rights of Way
- 4/21 Progressive Restoration
- 4/22 Site Restoration
- 4/23 Aftercare
- 5/7 Facilities for the Recycling of Construction and Demolition Wastes
- 6/1 Landfill Proposals.

The policy matters relating to this Local Plan are referenced in paragraphs 6.5 to 6.22 below in accordance with the compatibility with current national policy.

6.5 'Saved' Policy 4/1 in regards to Waste Management states that proposals for waste management facilities will be permitted provided that the siting and scale of the development is appropriate to the proposal's location, and it is well located to the waste source (criterion a and j). The proposed method and scheme of working would minimise the impact of the proposal and have no environmental impacts that are unacceptable (criterion b and c). There would not be an unacceptable cumulative impact on the local area and adequate transport links (criterion d and g). That mitigation through landscaping/screening and control of other amenity issues would lessen the impact of the proposed development (criterion e and h). That there is provision for the restoration, aftercare and management of the site and is the best practicable environmental option for the site (criterion f and i) and the proposed transport links are adequate to serve the development.

6.6 In accordance with paragraph 213 of the National Planning Policy Framework (NPPF) (2019), an analysis of consistency shows the NPPF does not provide specific waste

policies. The National Planning Policy for Waste (NPPW) (2014) has also been reviewed in relation to the proposed development in terms of compliance with the Policy's criteria a), i), or j). There is nothing specifically related to criteria b) and f) within the NPPW.

- 6.7 With regard to criterion a) and b) in Policy 4/1 these are consistent with the NPPW that sets out locational criteria for waste management facilities and states that the type and scale of the facility should be taken into account when deciding on appropriate locations. In terms of criteria c), d) and h) of 'saved' Policy 4/1, the NPPF paragraphs 170 and 180 state that developments should contribute to and enhance the local environment, not give rise to unacceptable risks from pollution, and that cumulative effects should be taken into account. The wording in 'saved' Policy 4/1 states that there should not be unacceptable impacts and that any safeguards should mitigate the impacts. Although there is a slight difference in emphasis, the provisions of the policy are generally consistent with the NPPF paragraph 180 and should be given moderate weight.
- 6.8 Criterion e) of 'saved' Policy 4/1 requires that landscaping and screening should mitigate the impact of the development, being sympathetic to local landscape character. Therefore, it is considered that the policy is consistent with the relevant policies of the NPPF paragraph 170, but more emphasis should be given to protecting and enhancing valued landscapes. Greater weight should be given therefore to the NPPF in this instance because it goes a step further in protecting and enhancing valued landscapes. Criterion f) in regards to restoration and aftercare requires only appropriate, adequate provision for restoration and aftercare and therefore can only be given limited weight relative to NPPW paragraph 7 bullet point 6 as the NPPW requires that landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.
- 6.9 Criterion g) is consistent with the provisions of the NPPF insofar as supporting the adequacy of transport links, however, there are differences in the objectives that criterion g) states that transport links should be adequate, whereas the NPPF states that improvements to the transport network should be considered. Therefore, the NPPF has more weight in this instance because it goes a step further in supporting those developments comprising improvements to transport links. In terms of criterion i), the Best Practicable Environmental Option (BPEO) is a set of procedures with the goal of managing waste and other environmental concerns. BPEO assessment is a method for identifying the option that provides 'the most environmental benefit' of 'least environmental damage'. The technique is not reflected in the NPPW, or the NPPF, but the principles of putting forward the most sustainable option by movement of waste up the waste hierarchy is set out in NPPW. Therefore, limited weight can be given to criterion i) as most sustainable option in NPPW is a wider consideration that environmental option. NPPW reflects the proximity principle set out in criterion j), and, therefore this point should be given moderate weight.
- 6.10 'Saved' Policy 4/3, Landscape Protection, states proposals for waste management facilities would only be permitted if there would not be an unacceptable impact on the character and uniqueness of the landscape and, wherever possible, proposals should result in an enhancement of the local landscape character. This specific 'saved' policy is considered relevant and full weight can be given to 'saved' Policy 4/3 as the NPPF paragraph 170 makes clear that the effects of development on the landscape, including the potential sensitivity of an area to adverse landscape impacts, should be taken into account.
- 6.11 'Saved' Policy 4/7, Protection of Agricultural Land, relates to waste management facility proposals on the best and most versatile agricultural land only being permitted in

certain circumstances. Notably, where there is an overriding need for the development; there is a lack of development opportunities on non-agricultural land; there is insufficient land available in grades below 3a and, where other sustainability considerations on land below grade 3a outweigh issues of agricultural land quality. Where, in exceptional circumstances, development is permitted on the best and most versatile agricultural land, it will only be permitted where provision is made for a high standard of restoration such that an agricultural afteruse can be achieved or the future potential for high quality agricultural use is safeguarded. The NPPF Paragraph 170 also considers that planning decisions should recognise the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. It is considered that 'saved' Policy 4/7 is therefore consistent with the NPPF and should be afforded full weight in the determination of this application.

- 6.12 'Saved' Policy 4/10, Locally Important Sites, lists the types of locations where waste management facility proposals will only be permitted where there would not be an unacceptable effect on the intrinsic interest and, where appropriate, educational value. These include the following:- (a) Local Nature Reserves; (b) Sites of Importance for Nature Conservation; (c) UK Biodiversity Action Plan priority species or key habitats; (d) other wildlife habitats; (e) the habitat of any animal or plant species protected by law and (f) Regionally Important Geological / Geomorphological Sites (RIGS). It is considered that this policy is consistent with NPPF paragraph 170 principle a) for determining planning applications that enhance the natural environment and NPPF paragraph 180 regarding taking into account the effects of a development, the sensitivity of an area and the proposed mitigations therefore can be given full weight.
- 6.13 'Saved' Policy 4/14, Historic Environment that waste management facility proposals will only be permitted where there would not be an unacceptable effect of listed buildings, registered parks, gardens and historic battlefield, World Heritage Sites or conservation areas, including their settings. Full weight can be afforded to this relevant 'saved' policy because NPPF paragraph 190 requires account taken of the significance of heritage assets, the impact of a proposal on a heritage asset and the need to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.14 'Saved' Policy 4/16, Archaeological Sites, states that waste management facility proposals which would have an unacceptable effect on nationally important archaeological remains, whether scheduled or not, and their settings, will not be permitted. Full weight can be afforded to this relevant 'saved' policy because NPPF paragraph 190 requires account taken of the significance of heritage assets, the impact of a proposal on a heritage asset and the need to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Furthermore, NPPF 194 requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) to be clearly and convincingly justified. That same paragraph also requires that substantial harm to or loss of '*assets of the highest significance, notably scheduled monuments ... should be wholly exceptional*'.
- 6.15 'Saved' Policy 4/18, Traffic Impact, states, waste management facilities would only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway and would not have an unacceptable impact on local communities. This policy does not conflict with the aims and objectives of the NPPF, however, there are differences in that the NPPF states that improvements to the transport network should be considered, therefore, the NPPF guidance should be given more weight in this instance. NPPF paragraph 102 states transport issues should be considered so that potential impacts can be addressed be that impacts on the transport network, or environmental impacts of traffic; and paragraph 109 states applications should only be refused on highways grounds if the highways impacts are

severe. Paragraph 110 states application should give priority to pedestrians and cyclists therefore, the NPPF should be given more weight in this instance. Therefore, limited weight should be given to this policy.

- 6.16 'Saved' Policy 4/19, Quality of Life, seeks to ensure that waste management facilities will be permitted only where there would not be an unacceptable impact on the local environment and residential amenity. The NPPF makes clear in paragraphs 170 and 180 that the cumulative effects of pollution on the natural environment or general amenity including noise, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account, and limited and mitigated where necessary. The NPPF goes into further detail about noise through footnote 60 of NPPF that relates to the Noise Policy Statement for England. In regards to the NPPW paragraph 7 states the likely impact on the environment and amenity should also be considered against the Appendix B criteria and locational principles of the NPPW. Therefore, the NPPW should be given more weight in this instance because it goes into further detail than this policy. Therefore, this policy can be given only limited weight.
- 6.17 'Saved' Policy 4/20, Open space, Recreation and Public Rights of Way, states that waste management facilities will not be permitted where they would have an unacceptable impact on recreational amenity including the enjoyment of the Public Rights of Way network. Proposals for waste management facilities that would interrupt, obstruct or conflict with use of a public right of way will only be permitted where satisfactory provision has been made, in the application, for protecting the existing right of way or for providing acceptable alternative arrangements both during and after working. Whereas, paragraph 98 of the NPPF includes that decisions should protect and enhance public rights of way and access, and take opportunities to provide better facilities such as adding links to existing rights of way networks. Therefore, the NPPF is given more weight in this instance as such opportunities would contribute to the social objective within paragraph 8 of the NPPF of having accessible open spaces.
- 6.18 'Saved' Policy 4/21, Progressive Restoration, states that applications should demonstrate that wherever possible and practicable, progressive restoration will be undertaken to a high standard to achieve a prescribed after-use or combination of after-uses. This policy seeks progressive restoration and does require high quality restoration but, unlike NPPW paragraph 7 bullet point 6, it does not stress this to be at the earliest opportunity and therefore it is considered that this policy should be given only moderate weight.
- 6.19 'Saved' Policy 4/22 'Site Restoration', states waste disposal proposals should demonstrate that the restoration proposals will restore and enhance, where appropriate, the character of the local environment. With regards to the NPPW, bullet point 6 of paragraph 7 states that applications should ensure that land raising sites and landfill are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary. This policy seeks high quality restoration but does not stress this to be at the earliest opportunity, and therefore it is considered that this policy should be given only moderate weight.
- 6.20 'Saved' Policy 4/23, in relation to 'Aftercare' states that "*planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity uses will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified afteruse*". The Policy aims to secure aftercare and is considered to be broadly consistent with the bullet point 6 of paragraph 7 of the NPPW regarding restoration to environmental standards but can only be given moderate weight as it does not stress as in the NPPW the need for that standard to be high.

- 6.21 'Saved' Policy 5/7 in regards to Facilities for the Recycling of Construction and Demolition Wastes includes that recycling facilities for construction and demolition wastes would be permitted provided the facility is suitably located with an existing industrial area of an appropriate character. Alternatively, if it is within or adjacent to a landfill site, and that it does not prejudice the restoration and afteruse of the landfill site. The proposed site must also be able to satisfactorily accommodate the traffic required and would not have an unacceptable impact on the local environment or local amenity. This policy fits with the aims expressed in the Introduction of the NPPW (paragraph 1) that refers to *'the Government's ambition to work towards a more sustainable and efficient approach to resource use and management'* and *'driving waste management up the waste hierarchy'* and to *'helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment'*. It complies with the locational criteria set out in Appendix B of NPPW that are for use when determining proposals for waste facilities, including considerations relating to traffic and amenity. However, whilst the development is proposed to be located within a quarry, it is not located within an industrial area and it is next to a restored landfill and not next to an operational landfill site, and so therefore may be given only limited weight in the consideration of this application.
- 6.22 'Saved' Policy 6/1 relates to Landfill Proposals and includes that proposals for additional landfill capacity for the disposal of waste will be permitted provided that it can be demonstrated that there is an over-riding need for the development and there are no available alternative methods for treating the waste. Alternatively, it is required for the restoration of a former mineral void which cannot be satisfactorily reclaimed in any other way; and where appropriate, provision is made for the selective recycling of waste. The highway network and site access must satisfactorily accommodate the traffic generated and the development would not have an unacceptable impact on local amenity or the environment. This policy fits with the aims expressed in the Introduction of the NPPW (paragraph 1) that refers to *'helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment'*. It also complies with the locational criteria set out in Appendix B of NPPW that are for use when determining proposals for waste facilities, including considerations relating to traffic and amenity, and so therefore may be given full weight in the consideration of this application.
- 6.23 The Selby District Core Strategy Local Plan (2013) is the long-term strategic vision for how the District will be shaped by setting out a number of broad policies to guide development principles for the area. The Core Strategy does not contain any policies specific to mineral development, but there are general development management policies which are applicable to District-scale development and which, in this instance, are also relevant to the determination of this application. The Core Strategy post-dates the 2012 NPPF, as it was adopted in 2013, and it is considered that the Core Strategy can be given full weight as the relevant policies to the determination of this application are still in accordance with the relevant parts of NPPF 2019. Those of relevance to this application are discussed in turn below in paragraphs 6.24 to 6.30 below.
- SP1 – Presumption in Favour of Sustainable Development
  - SP2 – Spatial Development Strategy
  - SP3 – Green Belt
  - SP13 – Scale and Distribution of Economic Growth
  - SP15 – Sustainable Development and Climate Change
  - SP18 – Protecting and Enhancing the Environment
  - SP19 – Design Quality
- 6.24 Policy SP1 (Presumption in Favour of Sustainable Development) includes that a positive approach will be taken that reflects the NPPF's presumption in favour of sustainable development. All applicants will be worked with proactively to find

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

- 6.25 Policy SP2 (Spatial Development Strategy) sets out the principles guiding the location of all forms of new development in Selby and includes statements that are relevant to the determination of this application. It states that the location of future development within the District will be based on certain principles. This includes (c) that development in the countryside would be limited to replacing or extending existing buildings, reuse of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, that would contribute to and improve the local economy, in accordance with Policy SP13 or other special circumstances. Paragraph (d) states that in Green Belt, including villages washed over by Green Belt, development must conform to Policy SP3 and national Green Belt policies.
- 6.26 Policy SP3 (Green Belt) states that within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.
- 6.27 Policy SP13 (Scale and Distribution of Economic Growth) states that support will be given to developing and revitalising the local economy in all areas. In rural areas development which brings sustainable economic growth through local employment opportunities or expansion of businesses will be supported, including within part C 2 of the Policy, the redevelopment of existing and former employment sites. However, in part D, it emphasises that in all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.
- 6.28 Policy SP15 (Sustainable Development and Climate Change) is relevant. Specifically Part B Design and Layout of Development which states (inter alia) that to ensure development contributes toward reducing carbon emissions and resilience to the effects of climate change, schemes should, where necessary or appropriate protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise biodiversity to contribute to climate change mitigation and adaptation. Schemes also should include tree planting, and new woodlands and hedgerows in landscaping schemes to create habitats, reduce the 'urban heat island effect' and to offset carbon loss and by minimising traffic growth by providing sustainable travel options through Travel Plans and Transport Assessments.
- 6.29 Policy SP18 (Protecting and Enhancing the Environment) seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. A number of points in the policy are relevant, including that the high quality and local distinctiveness of the natural and man-made environment will be sustained by, as point 1: safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance. Point 3 by promoting effective stewardship of wildlife by safeguarding national and locally protected sites for nature conservation, including SINC's, from inappropriate development; ensuring developments retain, protect and enhance features of biological and geological interest and appropriately manage these features with unavoidable impacts being appropriately mitigated and compensated for, on or off-site. The Policy supports the creation and restoration of habitats that contribute to habitat targets in the biodiversity strategies including a local Biodiversity Action Plan, and, as point 4 takes a strategic approach to increasing the District's Green Infrastructure connectivity via a network of linked open spaces and green corridors. Point 5 refers to protecting and enhancing locally distinctive landscapes, areas of tranquillity, public rights of way and access, open spaces and playing fields. As point 6, it seeks to ensure

that development protects soil, air and water quality from all pollution and that developments minimise their amount of waste.

- 6.30 Policy SP19 (Design Quality) includes that proposals will be expected to have regard to the local character, identity and context of the surroundings and the open countryside and meet key requirements. These include the best, most efficient use of land without compromising local distinctiveness, character and form. The creation of or improvement of rights of way, facilitating of sustainable access. The incorporation of new and existing landscaping as integral parts of any scheme design and the promotion of access to open spaces and green infrastructure to contribute to the health and social well-being of the local community whilst preventing contributions to, or effects by, unacceptable levels of soil, air, water, light or noise pollution or land instability.
- 6.31 Some of the existing Selby District Local Plan policies (adopted in 2005 and saved in 2008 by Direction of the Secretary of State) remain extant. As these policies pre-date the adoption of the NPPF, weight can be afforded to them depending on their consistency with the NPPF. Those of relevance to this application and the weight that can be attached to them are set out in turn below in paragraphs 6.32 to 6.42 below.
- ENV1 – Control of Development
  - ENV2 – Environmental Pollution and Contaminated Land
  - ENV3 – Light pollution
  - ENV9 – Sites of Importance for Nature Conservation
  - ENV15 – Conservation and Enhancement of Locally Important Landscape Areas
  - ENV27 – Scheduled Monuments and Important Archaeological Sites
  - EMP9 – Expansion of existing employment uses in the countryside
  - T1 – Development in Relation to Highway
  - T2 – Access to Roads
- 6.32 ‘Saved’ Policy ENV1 (Control of Development) includes that: development will be permitted provided a good quality of development would be achieved. The Policy further advises that there are number of points to take account of:
1. The effect upon the character of the area or the amenity of adjoining occupiers;
  2. The relationship of the proposal to the highway network, ... means of access, the need for road/junction improvements in the vicinity of the site, and... arrangements ... made for car parking;
  4. ... to the site and its surroundings and associated landscaping;
  5. The potential loss, or adverse effect upon, ... trees, wildlife habitats, archaeological or other features important to the character of the area;
  8. Any other material considerations’.
- 6.33 It is considered that great weight can be attached to ‘saved’ Policy ENV1 as the NPPF is clear that the effects on the natural environment (NPPF paragraphs 170, 175, 178 and 180) or general amenity (NPPF paragraphs 127 and 180), and the potential sensitivity of an area to adverse effects (NPPF paragraph 180), should be taken into account. With regards to transport, Policy ENV1 is consistent with the provisions of paragraph 102, 103, 108 and 111 of the NPPF which include that improvements to the transport network should be considered; transport proposals should be assessed, be sustainable and safe. However, NPPF paragraph 109 confirms that development should only be prevented or refused on highways grounds, where there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe.
- 6.34 ‘Saved’ Policy ENV2 (Environmental Pollution and Contaminated Land) includes within Part ‘A) that development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution

including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated in the scheme. Such measures should be carried out before the use of the site commences. It is considered that Policy ENV2 A) is consistent with NPPF paragraph 170 principles e) and f) for determining planning applications and NPPF paragraph 180 regarding taking into account the effects of a development, the sensitivity of an area and the proposed mitigations therefore can be given full weight.

- 6.35 'Saved' Policy ENV2 Part B states that where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary. It is considered that Part B is consistent with NPPF paragraph 178 a) which states that planning decisions should ensure that a site is suitable for its proposed use taking account of any risks arising from contamination, and also with part c) which requires adequate site investigation information is available to inform these assessments. This part of the Policy therefore, can be given full weight.
- 6.36 'Saved' Policy ENV3 (Light Pollution) states that proposals using outdoor lighting will only be granted where the lighting schemes represent the minimum level required for security and/or operational purposes. The lighting design should minimise glare and spillage; not create conditions prejudicial to highway safety or that would have a significant adverse effect on local amenity; and should not detract significantly from the character of a rural area. Proposals for development involving outdoor lighting should incorporate details of lighting schemes as part of applications for development. It is considered that Policy ENV3 is consistent with NPPF paragraph 180 regarding taking into account the effects of a development including, as part c) limiting the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The Policy therefore, can be given full weight.
- 6.37 'Saved' Policy ENV9 (Sites of Importance for Nature Conservation) includes that if a development would harm a site of local importance for nature conservation it will not be permitted, unless there are no reasonable alternative means of meeting the need and it can be demonstrated that there are reasons that outweigh the need to safeguard the intrinsic local nature conservation value of the site or feature. It is considered that Policy ENV9 is consistent with NPPF paragraph 170 principles a) and b) for determining planning applications and therefore can be given full weight.
- 6.38 'Saved' Policy ENV15 (Conservation and Enhancement of Locally Important Landscape Areas) states that within locally important landscape areas, as defined on the policies map, priority will be given to the conservation and enhancement of the landscape's character and quality with particular attention paid to the development's design, layout, landscaping and use of materials in order to minimise its impact and to enhance the traditional character of buildings and landscape in the area. This policy is considered to be consistent with NPPF paragraph 170 principles a) and b) for determining planning applications and therefore can be given full weight.
- 6.39 'Saved' Policy ENV27 states that 'Where scheduled monuments ... or their settings are affected by proposed development, there will be a presumption in favour of their physical preservation. In exceptional circumstances where the need for the development is clearly demonstrated, development will only be permitted where archaeological remains are preserved in situ through sympathetic layout or design of the development'. This policy is considered to be consistent with NPPF paragraph 193 regarding in considering a development's impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It is also consistent with NPPF paragraph 196 which states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset,



this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.

- 6.40 ‘Saved’ Policy EMP9 (Expansion of existing employment uses in the countryside) includes that proposals for expansion and/or redevelopment of existing industrial uses outside development limits and established employment areas will be permitted provided proposals would not prejudice highway safety or have a significant adverse effect on local amenity and that the nature and scale would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests. The policy also requires that a proposal should achieve a high standard of design, materials and landscaping and be well related to existing development and well screened and/or landscaped. Therefore, it is considered that this policy is consistent with paragraph 80 of the NPPF as it seeks circumstances in which businesses can invest, expand and adapt and can therefore be given full weight.
- 6.41 ‘Saved’ Policy T1 (Development in Relation to the Highway network) includes that proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer. It is considered that ‘saved’ Policy T1 is consistent with the NPPF and should be given great weight in the determination of this application, because NPPF paragraph 109 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.42 ‘Saved’ Policy T2 (Access to Roads) includes that proposals resulting in the creation of a new access or the intensification of the use of an existing access will be permitted provided:
- 1) There would be no detriment to highway safety; and
  - 2) The access can be created in a location and to a standard acceptable to the highway authority.
- Proposals which would result in the creation of a new access onto a primary road or district distributor road will not be permitted unless no feasible access onto a secondary road and the highway authority is satisfied that the proposal would not create conditions prejudicial to highway safety. It is considered that ‘Saved’ Policy T2 is consistent with NPPF paragraph 108 b) in that it requires a safe and suitable access to the site to be achieved and should be given full weight in the determination of this application.
- 6.43 The Minerals and Waste Joint Plan (MWJP) was published in November 2016 for representations. Consultation took place on an Addendum schedule of proposed changes for an 8-week period over summer 2017. The MWJP was submitted to the Secretary of State for Communities and Local Government on 28 November 2017 and Examination in Public (EIP) hearing sessions took place between 27 February and 13 April 2018. At present the plan is still in the examination phase as the main modifications are still to be consulted upon. Therefore, in accordance with paragraph 48 of the NPPF, weight can be given to the MWJP policies on the basis that it is at examination and the Inspector indicated at the EIP that she accepted that the Addendum formed part of the Joint Plan for examination purposes as it had been subject to consultation. Draft main modifications were discussed during the hearing sessions, notably on 13 April 2018. Two further hearing sessions took place on 24 and 25 January 2019, but as these sessions related to matters to do with fracking and the safeguarding of potash, neither topic is considered to be relevant to the consideration of this application. The weight that is given to the emerging MWJP policies is set out in paragraphs below.

*Strategic Policies for Minerals*

- M11 Supply of alternatives to land-won aggregates

*Strategic Policies for Waste*

- W01 Moving waste up the waste hierarchy
- W05 Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste)
- W10 Overall locational principles for provision of waste capacity
- W11 Waste site identification principles

*Development management policies*

- D01 Presumption in favour of sustainable minerals and waste development
- D02 Local amenity and cumulative impacts
- D03 Transport of minerals and waste and associated traffic impacts
- D05 Minerals and Waste Development in the Green Belt
- D06 Landscape
- D07 Biodiversity and geodiversity
- D08 Historic Environment
- D09 Water Environment
- D10 Reclamation and afteruse
- D11 Sustainable design, construction and operation of development
- D12 Protection of agricultural land and soils

- 6.44 As the Joint Plan has been, and continues to be, produced post-publication of the NPPF, there is no requirement to include herein NPPF-consistency statements in respect of the emerging draft MWJP policies that follow below in paragraphs 6.45-6.62.
- 6.45 Policy M11 relates to the 'Supply of alternatives to land-won aggregates' and refers to within point 4) '*The use of appropriately located aggregates mineral extraction sites, and sites for the transport of minerals, as locations for the ancillary reception, processing and onward sale of recycled aggregate during the associated period of minerals extraction at the site*'. This policy is not subject to objections and therefore can be given full weight.
- 6.46 Policy W01 in regards to 'Moving Waste up the Waste Hierarchy' point one states proposals would be permitted where they contribute by minimising waste or increasing reuse, recycling or composting of waste. This policy is not subject to objections and therefore can be given full weight.
- 6.47 Policy W05 of the Publication Draft Joint Plan deals with 'Construction, Demolition and Excavation waste'. It states net self-sufficiency in capacity for management of construction and demolition waste would be supported through permitting proposals that would increase capacity where it complies with W10 and W11, where the overall impacts from road transport would also be consistent with these policies, as well as Policy W01 point one. This policy is not subject to objections and therefore can be given full weight.
- 6.48 Policy W10 in regards to the 'overall locational principles for provision of waste capacity' includes within Part 3 of the policy support will be given for new sites where the site is compatible with the requirements of Policy W11 and the site is located as close as practicable to the source/s of waste to be dealt with. This policy is not subject to objections and therefore can be given full weight.
- 6.49 Policy W11 regarding 'waste site identification principles' is applicable as it supports siting facilities on employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed use and economic activities nearby. Part

4 refers to siting recycling of CD&E waste at active mineral workings where the main outputs of the process are to be sold or blended with mineral produced at the site. This policy is the subject of objections, including ones to the phrasing of W11 1) regarding the siting of new waste management facilities at existing waste management sites. However, as this application is not proposed on an existing waste management site, it is considered that this policy may be given moderate weight in the consideration of this application.

- 6.50 The relevant parts of emerging Policy D01 in regards to presumption of sustainable development are that in considering proposals a positive approach reflecting the NPPF presumption in favour of sustainable development will be taken and that applicants will be worked with proactively to find solutions that mean that proposals can be approved wherever possible and secure development that improves the economic, social and environmental conditions in the area. This Policy is subject to objections regarding the presumption in favour of sustainable development in particular with reference to climate change and the oil and gas industry. However, as the subject of this report relates to a waste development it is considered that moderate weight can be given to this policy.
- 6.51 Emerging Policy D02 in regards to Local Amenity and Cumulative Impacts includes within Part 1) that proposals for waste development, including ancillary development and transport infrastructure, will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space. Proposals are expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable. In Part 2) Applicants are encouraged to conduct early and meaningful engagement with the local communities and to reflect the outcome of those discussions in the design of proposals as far as practicable. This Policy is subject to objections with regard to the details of the wording, but during the hearing sessions in 2018 it was agreed that Main Modifications would be proposed that would address these. It is considered therefore, that limited weight can be given to this Policy until it is demonstrated through the Main Modifications consultations that the major objections to this policy regarding consistency issues with NPPF are resolved.
- 6.52 Emerging Policy D03 in regards to the transport of waste and associated traffic impacts states that where practicable waste movements should utilise alternatives to road transport including rail, water, pipeline or conveyor. Where road transport is necessary, access and existing road network capacity should be appropriate. The nature, volume and routing of traffic should not have an unacceptable impact on local communities, businesses or other users, or any such impacts can be appropriately mitigated, for example by traffic controls, highway improvements and traffic routing arrangements; and that there is sufficient space for on-site manoeuvring, parking and loading/unloading. Any access infrastructure improvements needed to ensure compliance should have information on the nature, timing and delivery of these included in the proposals. All proposals generating significant levels of road traffic will require a transport assessment and green travel plan to demonstrate the consideration of opportunities for sustainable transport and travel and their implementation where practicable. Whilst this Policy is subject to a specific objection by the oil and gas industry regarding the principle of green travel plans applying to hydrocarbon development, and during the hearing sessions in 2018 it was agreed that Main Modifications would be proposed that would address these. Furthermore, the application that is the subject of this report is not for a hydrocarbon development and NPPF paragraph 111 is clear that developments generating significant movements should provide a travel plan. It is considered therefore, that moderate weight can be given to this Policy until it is demonstrated through the Main Modifications consultations that the objections to this policy are resolved.

- 6.53 Emerging Policy D05 in regards to waste development in the Green Belt includes that waste development proposals in the Green Belt, including new buildings or other forms of development, which would result in an adverse impact on the openness of the Green Belt, or on the purposes of including land within the Green Belt, will be considered inappropriate. The emerging policy identifies that some forms of waste development will be appropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt, including those elements which contribute to the historic character and setting of York. There are relevant two criteria in respect of this application. Firstly, iii) recycling of construction and demolition waste in order to produce recycled aggregate where it would take place in an active quarry linked to the life of the quarry. Secondly, vi) landfill of quarry voids including for the purposes of quarry reclamation and where the site would be restored to an after use compatible with the purposes of Green Belt designation.
- 6.54 However, this Policy is subject to objections regarding the clarity of the wording and during the hearing sessions in 2018 it was agreed that Main Modifications would be proposed that would address these. This included that substantial weight will be given to any harm to the Green Belt and very special circumstances, will need to be demonstrated by the applicant in order to outweigh harm caused by inappropriateness, and any other harm. Therefore, it is considered that limited weight can be given to this Policy until it is demonstrated through the Main Modifications consultations that the major objections to this policy regarding consistency issues with the NPPF are resolved.
- 6.55 The relevant parts in emerging Policy D06 in regards to Landscape are Parts 1) and 4). Part 1 requires demonstration that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. Part 4) requires where any adverse impact on landscape or tranquillity is likely then schemes should provide a high design and mitigation with regard to landscape character, the wider landscape context and setting, and any visual impact and with landscape enhancement where practicable. This Policy is subject to objections regarding perceived inconsistencies and ambiguities in the phrasing. Paragraph 48 of the NPPF 2019 states that local planning authorities may give weight to relevant policies in emerging plans according the stage of preparation of the emerging plan; which in this case is it is advanced through being in the examination stage. With regard to the degree of consistency with the emerging plan to the Framework, footnote 22 states that during the transitional period for emerging plans submitted for examination (being those submitted on or before 24 January 2019, – which includes the MWJP) consistency should be tested against the previous Framework published in March 2012).
- 6.56 NPPF 2012 paragraph 109 included that the planning system should contribute to and enhance the natural and local environment including by protecting and enhancing valued landscapes. This protecting and enhancing of valued landscapes is also within NPPF 2019 paragraph 170, which also refers to recognising the intrinsic character and beauty of the countryside and paragraph 127 requires decisions to ensure that development are *'are sympathetic to local character and history, including the surrounding ... landscape setting'*. NPPF 2012 paragraph 113 required local planning authorities to include criteria based policy against which proposals for any development on landscape areas will be judged. Paragraph 81 advised that planning should be positively to retain and enhance landscapes and this stance is also part of paragraph 141 of the NPPF 2019. It is considered, therefore, that Policy D06 can be given moderate weight in the determination of this application as it requires landscapes to be protected from the harmful effects of development and a high standard of design and mitigation.

- 6.57 The relevant parts of emerging Policy D07 in regards to biodiversity and geodiversity are Parts 1) and 5); with Part 1) requiring proposals to demonstrate that there no unacceptable impacts on biodiversity, including on statutory and non-statutory designated or protected sites and features, local priority habitats, habitat networks and species, having taken into account proposed mitigation measures. Part 5) includes that scheme designs, including any proposed mitigation, should to seek to contribute positively towards delivering agreed biodiversity, including those set out in local Biodiversity Action Plans, and support resilient ecological networks. This Policy is subject to objections regarding the clarity of the wording and during the hearing sessions in 2018 it was agreed that Main Modifications would be proposed that would address these. It is therefore, considered that limited weight can be given to this Policy until it is demonstrated through the Main Modifications consultations that the major objections to this policy regarding consistency issues with NPPF are resolved.
- 6.58 The relevant parts of emerging Policy D08 are that proposals will be permitted where it is demonstrated that they will conserve and, where practicable, enhance the elements that contribute to the significance of the area's heritage assets including their setting including the archaeological resource of the Southern Magnesian Limestone Ridge. In the last paragraph of Policy D08, where proposals affect an archaeological site of less than national importance, permission will be granted where those elements that contribute to its significance are conserved in line with the importance of the remains. When in situ preservation is not justified, adequate provision should be made for excavation and recording and subsequent analysis, publication and archive deposition before or during development. This Policy is subject to objections. However moderate weight may be given to Policy D08, as it does enable consideration of the impacts on the historic environment, including if there will be any potential harm to, or loss of, the significance of any designated heritage assets such as to ensure due consideration of potential impacts occurs in accordance with Paragraphs 193-202 of the NPPF 2019.
- 6.59 Within emerging Policy D09 (Water Environment), the relevant text is within parts 1, 2, and 4. These require waste development proposals to demonstrate that no unacceptable impacts will arise to surface or groundwater quality and/or surface or groundwater supplies and flows. In addition that a very high level of protection will be applied to principal aquifers so development leading to an unacceptable risk of pollution, or harmful disturbance to groundwater flow, will not be permitted. Furthermore that, where necessary or practicable, account is taken of the scale, nature and location of the development and include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures. Policy D09 is subject to objections regarding the phrasing, however it does include amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution as required by NPPF paragraph 170 e) and therefore it is considered that moderate weight can be given to Policy D09.
- 6.60 Within emerging Policy D10 in regards to Reclamation and Aftercare, the relevant parts in Part 1 of the policy are that proposals for restoration and afteruse should demonstrate that they would be carried out to a high standard that is appropriate to the development's scale, location and context. The proposals should also show that they reflect, where possible, the outcome of discussions with local communities and other relevant stakeholders and address impacts, including cumulative impacts and climate change factors, such that potential overall benefits are maximised and adverse ones minimised. Best use of onsite materials should be made. A progressive, phased approach should lead to the site's restoration at the earliest opportunity in accordance with an agreed timescale, with subsequent management of the agreed form of restoration and afteruse.

- 6.61 The relevant parts in Part 2 of the policy are that mineral site restoration and afteruse should be targeted to contribute towards the MWJP objectives. For example, in areas of best and most versatile agricultural land through prioritising the protection and enhancement of soils and long term potential to create areas of best and most versatile land during the site's reclamation. In addition, by promoting delivering significant net gains for biodiversity and a coherent and resilient ecological network that contributes where practicable to creating Biodiversity Action Plan habitats, and seeks to deliver benefits at a landscape scale. Policy D10 is subject to objections regarding the phrasing, however, as no Main Modifications were proposed during the hearings, limited weight can be given to this policy.
- 6.61 Within emerging Policy D11 which relates to Sustainable design, construction and operation of development, Part 1 includes that waste development proposals will be permitted where demonstrated that appropriate and proportionate measures to the development's scale and nature are incorporated in its design, construction and operation in relation to minimisation of greenhouse gas emissions and operational practices including those relating to bulk transport of materials and minimisation of waste generated. This Policy is subject to objections regarding the clarity of the wording and during the hearing sessions in 2018 it was agreed that Main Modifications would be proposed that would address these. It is considered therefore that limited weight can be given to this Policy until it is demonstrated through the Main Modifications consultations that the major objections to this policy regarding consistency issues with NPPF are resolved.
- 6.62 Emerging Policy D12 Protection of agricultural land and soils includes that Best and Most Versatile agricultural land will be protected from unnecessary and irreversible loss and that proposals should protecting soils including via aftercare requirements to ensure that a high standard of restoration can be achieved. It also requires proposals to demonstrate that all practicable steps will be taken to conserve and manage on-site soil resources in a sustainable way. This Policy is subject to objections regarding the clarity of the wording and during the hearing sessions in 2018 it was agreed that Main Modifications would be proposed that would address these. It is considered therefore, that limited weight can be given to this Policy until it is demonstrated through the Main Modifications consultations that the major objections to this policy regarding consistency issues with NPPF are resolved.

Other policy considerations:

National Planning Policy

- 6.63 The policy relevant to the determination of this particular planning application provided at the national level is contained within the following documents:
- National Planning Policy Framework (NPPF) (published June 2019)
  - National Planning Policy for Waste (NPPW) (published October 2014).

National Planning Policy Framework

- 6.64 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The overriding theme of Government policy in the NPPF is to apply a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay (if plans are up-to-date and consistent with the NPPF). The Government defines sustainable development, in paragraph 8, as that being which fulfils the following three roles: an economic objective; a social objective or an environmental objective.

- 6.65 NPPF Paragraph 11 advises that when making decisions, proposals that accord with the development plan should be approved without delay and when the development plan is absent, silent or relevant policies are out of date, permission should be granted unless the policies protecting areas or assets of particular importance provide a clear reason for refusal; or adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole. This national policy seeks to ensure that positive improvements in people's quality of life occur including improving the conditions in which people live, work, travel and take leisure.
- 6.66 NPPF Paragraph 47 confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 6.67 NPPF Paragraphs 54-56 regarding 'planning conditions and obligations' requires local planning authorities to consider if development can be made acceptable by using conditions or planning obligations with planning obligations only used where it is not possible to address impacts through planning conditions. Planning conditions should be kept to a minimum and only imposed where they are met the test for condition and likewise planning obligations must only be sought where they meet all the tests for being necessary to make the development acceptable in planning terms; being directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 6.68 Paragraph 80 includes decisions should help create circumstances where businesses can invest, expand and adapt with significant weight placed on supporting economic growth, taking account of local business needs and wider development opportunities. Thereby allowing areas to build on strengths, counter weaknesses and address the challenges of the future.
- 6.69 Within Chapter 9 (Promoting sustainable transport) NPPF 2019 paragraph 102 includes that potential impacts on transport networks should be considered and addressed. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account. Including, any appropriate opportunities for avoiding and mitigating any adverse effects and for net environmental gains. Paragraph 103 refers to focusing on locations that are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 6.70 Paragraph 108 requires ensuring appropriate opportunities to promote sustainable transport modes can be/have been taken up; and that any significant capacity and congestion impacts on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 111 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 6.71 Paragraph 118 of the NPPF includes that planning policies and decisions should, amongst a range of things, encourage multiple benefits from both urban and rural land. Including, through mixed use schemes and taking opportunities to achieve net environmental gains, such as those that enable new habitat creation or improve public access to the countryside; recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.
- 6.72 Within Chapter 12 (achieving well designed places), paragraph 127 includes that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive with appropriate and effective landscaping; are sympathetic to local character and history, including the landscape setting and do not undermine the quality of life or community cohesion and resilience. Paragraph 130 goes on to state permission should be refused for development of poor design.
- 6.73 Under the heading Protecting Green Belt land, NPPF Paragraph 133 attaches great importance to Green Belts and the fundamental aim being to prevent urban sprawl by keeping land permanently open so the essential characteristics of Green Belts are their openness and their permanence.
- 6.74 Paragraph 134 states that Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.75 Paragraph 141 states that once Green Belts have been defined local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- 6.76 NPPF paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*. Paragraph 145 states that authorities should regard the construction of new buildings as inappropriate in the Green Belt, but there are exceptions including c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building; and d) the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces. Paragraph 146 states that some 'forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it' and continues to list 'a) mineral extraction'.
- 6.77 Paragraph 170 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF includes that planning policies and decisions should contribute to and enhance the natural and local environment by:
- 'a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (... commensurate with their statutory status or identified quality in the development plan);*



- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *... character of the undeveloped coast, ... where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate’.*

- 6.78 Paragraph 175 within Chapter 15 (Conserving and enhancing the natural environment) of the NPPF includes various principles to be applied when determining planning applications. If significant harm to biodiversity cannot be avoided through locating elsewhere with less harmful impacts, it should be adequately mitigated, or compensated for as a last resort. Otherwise planning permission should be refused and also that development on land outside a Site of Special Scientific Interest which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 6.79 Paragraph 178 includes that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and, in Paragraph 179, it states that where contamination, or land stability issues affect a site then responsibility for securing a safe development rests with the developer and/or landowner.
- 6.80 Within paragraph 180 of the Framework decisions should ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site, or wider area, to impacts that could arise from the development. In doing so, they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. They should also protect tranquil areas that are relatively undisturbed by noise and prized for their recreational and amenity value for this reason; and c) to limit the impact of artificial light pollution on local amenity, intrinsically dark landscapes and nature conservation.
- 6.81 Under the heading ‘Proposals affecting heritage assets’ paragraph 189 includes that local planning authorities should require applicants to describe the significance of heritage assets affected, including any contribution made by their setting with the detail proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 190 includes that local planning authorities should assess the particular significance of any heritage asset that may be affected by a proposal (including where it would affect the setting of a heritage asset and take this into account when considering the impact on a heritage asset, to avoid or minimize any conflict between the heritage asset’s conservation and any aspect of the proposal.

- 6.82 Paragraph 193 includes that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that any harm to, or loss of, a designated heritage asset's significance (from alteration or destruction, or from development within its setting), should be clearly and convincingly justified. Paragraph 196 continues with where a proposal will lead to less than substantial harm on a designated heritage asset's significance, this harm should be weighed against the public benefits of the proposal.
- 6.83 Paragraph 197 states the effect on a non-designated heritage asset's significance should be taken into account in determining an application and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.84 The setting of a heritage asset is defined in the NPPF's Glossary as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Paragraph 197 states the effect on a non-designated heritage asset's significance should be taken into account in determining an application and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

National Planning Policy for Waste (2014)

- 6.85 Paragraph 6 specifies that Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development.
- 6.86 Paragraph 7 regarding determining waste planning applications includes advice to waste planning authorities to:
- only expect applicants to demonstrate the quantitative or market need for new ... waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
  - consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B to the NPPW.
  - ensure that facilities are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
  - concern themselves with implementing the planning strategy in the Local Plan and work on the assumption that the relevant pollution control regime will be properly applied and enforced;
  - ensure that landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.
- 6.87 The locational criteria in Appendix B of the NPPW are: protection of water quality and resources and flood risk management; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions, including dust; odours; vermin and birds; noise, light and vibration; litter and potential land use conflict.

National Planning Practice Guidance (PPG) (2014)

- 6.88 On 6<sup>th</sup> March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (PPG) web-based resource. This was accompanied by a *Written Ministerial Statement* which includes a list of the previous planning practice guidance documents cancelled. The NPPG supports the

national policy contained within the NPPF. The guidance relevant to the determination of this application is contained within the following paragraphs: -

- Air Quality
- Climate Change
- Environmental Impact Assessment
- Flood Risk
- Green Belt
- Healthy and safe communities
- Historic environment
- Land Contamination
- Land Stability
- Light Pollution
- Minerals
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Waste
- Water supply, wastewater and water quality

#### Air Quality

- 6.89 This guides how planning can take account of the impact of new development on air quality and the degree of relevance depends on the proposed development and its location, for example does it change vehicle-related emissions in the immediate vicinity or further afield or expose people to harmful concentration of air pollutants, including dust or have a potential adverse effect on biodiversity. Where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment study undertaken by a competent and experienced person/organisation. Mitigation options need to be location specific, relate to the proposed development and need to be proportionate to any likely impact. It is important that local planning authorities work with applicants to consider appropriate mitigation so as to ensure new development is appropriate for its location and unacceptable risks are prevented. Planning conditions and obligations can be used to secure mitigation where the relevant tests are met.

#### Climate Change

- 6.90 The Climate Change Act 2008 establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. An example of mitigating climate change by reducing emissions is: sustainable transport. Examples of adapting to a changing climate include: considering future climate risks and design responses to flood risk for the lifetime of a development; considering available of water for the lifetime of the development and design response to protect water quality.

#### Environmental Impact Assessment

- 6.91 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

#### Flood Risk

- 6.92 Developers and applicants need to consider flood risk to and from the development site, and it is likely to be in their own best interests to do this as early as possible, in particular, to reduce the risk of subsequent, significant additional costs being incurred. The broad approach of assessing, avoiding, managing and mitigating flood risk should be followed.

#### Green Belt

- 6.93 When assessing, where it is relevant, the impact of a proposal on Green Belt's openness, a judgment based on the case's circumstances is required. The courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- openness is capable of having both spatial and visual aspects so the visual impact of the proposal may be relevant, as could its volume;
  - the duration of the development, and its remediability taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
  - the degree of activity likely to be generated, such as traffic generation.

#### Healthy and safe communities

- 6.94 The design and use of the built and natural environments, including green infrastructure are major determinants of health and wellbeing. Planning and health need to be considered together in two ways: in terms of creating environments that support and encourage healthy lifestyles.

#### Historic environment

- 6.95 The PPG comments on how heritage assets may be affected by direct physical change, or by change in their setting. Hence being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals. When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.

#### Land Contamination

- 6.96 To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for development should be considered through the planning process to the extent that it is not addressed by other regimes, such as the Environmental Permitting Regulations. Local planning authorities should be satisfied that a proposed development will be appropriate for its location and not pose an unacceptable risk.

#### Land Stability

- 6.97 The PPG advises that an appraisal of slope stability should be based on existing information to identify potential hazards to people, property and environmental assets and identify any features which could adversely affect the stability of the working.

#### Light Pollution

- 6.98 Matters to be considered regarding the effects of light pollution include: will a proposed change be likely to materially alter light levels around the site, and/or, have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces and is a proposal likely to have a significant impact on a protected site or species.

#### Minerals

- 6.99 This guidance focuses on significant environmental impacts a mineral planning application with environmental statement should address in order to ensure that the mineral planning authority has sufficient information on all environmental matters at the time the planning decision is made. The issues include: noise, dust, air quality, lighting, visual impact on the local and wider landscape, landscape character, archaeological and heritage features, traffic, risk of land contamination, soil resources, geological structure, impact on best and most versatile agricultural land, flood risk, land stability/subsidence, internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks, site restoration and aftercare.

#### Natural Environment

- 6.100 This reiterates the NPPF encouragement of obtaining biodiversity net gains in decisions by creating or enhancing habitats on-site, off-site or through a combination of on-site and off-site measures including Green Infrastructure this is a natural capital asset that provides multiple benefits, at a range of scales. These benefits can include enhanced wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes, food and energy production, and the management of flood risk. These benefits are also known as ecosystem services and need considering early in development preparation, taking into account existing natural assets and the most suitable locations and types of new provision and that such green infrastructure will require sustainable management and maintenance if it is to provide long term benefits, including appropriate funding of required. Local community engagement can assist with management and tailoring provision to local needs.

#### Noise

- 6.101 This states how noise needs to be considered when development may create additional noise or would be sensitive to the prevailing acoustic environment. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. Decision taking should take account of the acoustic environment and in doing so consider: whether or not a significant adverse effect is likely to occur; whether or not an adverse effect is occurring or likely to occur; and whether or not a good standard of amenity can be achieved. In addition, it offers guidance on identifying whether the overall effect of noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level (when noise exposure gives rise to detectable adverse effects on health and quality of life) and the lowest observed effect level for the given situation, below which no effect at all on health or quality of life can be detected.

#### Open space, sports and recreation facilities, public rights of way and local green space

- 6.102 Public rights of way are an important part of sustainable transport links and should be protected or enhanced. The Defra Rights of Way circular (1/09) provides local authorities with advice on managing, maintaining, protecting and changing public rights of way and guidance on considering the effects on rights of way of development.

#### Waste

- 6.103 With regard to the waste hierarchy, the PPG stresses that the movement of waste up the hierarchy is not just the responsibility of waste planning authorities but all local planning authorities, to the extent appropriate to their responsibilities, should look to drive waste management up the hierarchy. In a section, relating to determining waste planning applications, the PPG advises that waste planning authorities should not assume, because a particular area has hosted waste disposal facilities previously, it is appropriate to add to these. The cumulative effect of previous waste disposal facilities on a community's wellbeing and impacts on environmental quality, social cohesion and inclusion and economic potential should be considerations. Engagement with the local communities affected by previous waste disposal decisions will help in these considerations. The PPG also advises that since it is possible that all sites for the range of waste arisings that need to be catered for will be developed in practice, waste planning authorities should not rigidly cap development proposals at the level that may be put forward through the Local Plan. With regards to unallocated sites the PPG applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy.

#### Water supply, wastewater and water quality

- 6.104 Water quality is only likely to be a significant planning concern when a proposal would indirectly affect water bodies, for example as a result in runoff into surface water sewers that drain directly, or via combined sewers, into sensitive water bodies with

local, national or international habitat designations, or through a lack of adequate infrastructure to deal with wastewater.

## 7.0 Planning considerations

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

### Principle of the proposed development

- 7.2 Relevant policies to this topic include within the North Yorkshire Waste Local Plan: 'saved' Policy 4/1 (Waste Management Proposals) in respect of the need for the siting and scale of the development to be appropriate to the proposal's location and the proposed method and scheme of working to minimise the impact of the proposals and not have unacceptable environmental impacts. 'Saved' Policy 5/7 (Facilities for the Recycling of Construction and Demolition Wastes) and 'saved' Policy 6/1 (Landfill Proposals) are relevant because these relate to the type of development facilities being proposed. Emerging policies M11, W01, W05, W10 and W11 of the MWJP are relevant regarding the supply of alternatives to land-won aggregates; moving waste up the waste hierarchy; net self-sufficiency in capacity for management of construction and demolition waste; overall locational principles for waste capacity, and in respect of new waste site identification principles. Policy SP1 of the Selby District Core Strategy Local Plan and Policy D01 of the MWJP regarding the presumption of sustainable development. Selby District Core Strategy Local Plan Policies SP2 (Spatial Development Strategy) and SP13 Scale and Distribution of Economic Growth. Selby District Local Plan 'saved' Policy ENV1 and the Locational principles within Appendix B of NPPW.
- 7.3 Selby District Core Strategy Local Plan Policy SP13 includes that support will be given to developing the local economy in all areas and in rural areas where that is sustainable (part C2) in the redevelopment of existing employment site subject to (part D) being appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity. Emerging MWJP Policy D01 also seeks a positive approach to sustainable development. The site employs 6 staff, together with a varying number of directly employed lorry drivers, in addition to providing work for local hauliers and tradesmen and the application form indicates that this would rise to 12 if the application is permitted. 'Saved' Policy 4/1 of the NYWLP as described in paragraphs 6.5 to 6.9 above identifies that waste management proposals will be permitted provided that certain criteria are met and the relevant parts in that policy to this section of the report are a) siting and scale being appropriate, and j) the location is geographically well located to the source of the waste to accord with the proximity principle. Criteria b) and c) that the proposed method and scheme of working would minimise the impact of the proposal and have no environmental impacts that are unacceptable are also relevant. Although policy matters such as nature conservation and habitat protection, water protection, traffic impact, local environment and amenity, public rights of way, restoration and aftercare are addressed later in this report. Selby District Local Plan 'saved' Policy ENV1 includes that development will be permitted provided a good quality of development would be achieved. Policy M11 envisages the use of appropriately located aggregates mineral extraction sites as locations for the ancillary reception, processing and onward sale of recycled aggregate during the associated period of minerals extraction at the site.

- 7.4 The application's supporting statement referred to the Minerals and Waste Joint Plan's identification of a need for additional capacity for the recycling of CD&E throughout the Plan period to 2030 and that a similar shortfall for landfill capacity for CD&E waste in the later part of the Plan period. The Applicant also referred to there being a current lack of disposal facilities in Selby, West Yorkshire and South Yorkshire and that the proposal would help to meet identified capacity shortfalls. The Planning Statement states that in Selby district, only Barnsdale Bar Quarry is able to receive larger quantities of waste; Brotherton Quarry is expected to reopen for a small quantity of restoration wastes; and Escrick predominately serves the York market via its haulier operator. In West Yorkshire, within the City of Leeds boundary, Peckfield Quarry will soon be full; Skelton Grange is open for restoration materials only; and only Britannia Quarry in Morley is open for larger quantities of construction wastes. In South Yorkshire, Hazel Lane Quarry is a non-hazardous landfill and only accepts limited quantities of construction wastes for restoration materials.
- 7.5 Notwithstanding the statement within MWJP paragraph 6.71 that *'there is no overall gap in transfer capacity for CD&E waste'* the paragraph goes on to state that: *'However, as with other waste streams, policy support for further capacity is justified in order to provide opportunities for enhancement of the geographic network and to help to reduce overall impacts from road transport of waste'*. In January 2019 in the Draft Schedule of main Modifications to the Publication Draft of the MWJP (document reference LPA102), a proposed revision to the paragraph 6.70 of the Publication Draft was published on the County Council's Minerals and Waste Joint Plan Examination webpage to reflect updates to the Waste Arisings and Capacity Assessment (2016) changing the expected capacity gap for recycling under all scenarios considered as following *'up to a maximum of approximately 437,000 tonnes per annum in the highest case scenario, based on available capacity for managing CD&E waste only'*. In addition the first and third sentences of paragraph 6.73 were also to be revised as: *'There is a forecast shortfall in capacity for landfill of non-hazardous CD&E waste, particularly from around 2022, as a result of the expiry of a number of time limited permissions, with a maximum annual gap of around 108,000 tonnes per annum by 2030 in the highest case scenario' and 'if rates of recycling nearer to that modelled in the higher recycling scenario included in the waste arisings and capacity assessment are achieved, then the requirement for capacity for landfill of non-hazardous CD&E waste could be significantly less, reaching a maximum of around 18,000 tonnes per annum by 2030'*. As explained in MWJP paragraph 6.70, CD&E waste management capacity is often *'provided alongside capacity for other waste streams. Whilst this can increase the overall range of management options for these materials, it can also make it difficult to identify definitively the capacity currently available for this specific waste stream and hence the exact size of any potential capacity gap'*.
- 7.6 Part 1i) of Policy W05 of the MWJP, is relevant as it aims to address the meeting of waste capacity for the management of CD&E waste and to support net self-sufficiency of capacity for that CD&E waste management by supporting proposals that would deliver increased capacity for recycling CD&E waste, provided the development is consistent with the site locational and identification principles in Policies W10 and W11. Part 1ii) supports additional transfer station capacity for CD&E waste where it can be demonstrated that additional provision would help reduce overall impacts from road transport of waste and the development would be consistent with the Policy W10 and W11 site locational and identification principles.
- 7.7 Part 2 of Policy W05 sets out that capacity for management of CD&E waste will be achieved via specified site allocations. Of the allocations for recycling CD&E waste in Policy W05 Part 2i) three sites are within Selby District:
- MJP27 Land at Darrington Quarry, Darrington proposed handling an estimated 100,000 tonnes per year and is approximately 11 kilometres from Newthorpe;

- MJP26 Land at Barnsdale Bar Quarry, Kirk Smeaton proposed handling an estimated 100,000 tonnes per year and is approximately 18 kilometres from Newthorpe; and
- WJP10 Land at Went Edge Quarry, Kirk Smeaton proposed handling an estimated 150,000 tonnes per year and is approximately 15 kilometres from Newthorpe.

7.8 Therefore in the light of the position outline in paragraph 7.5 above, although, no applications have been submitted with regards to allocation MJP27 at Darrington Quarry, or MJP26 at Barnsdale Bar to date, it is worth noting that the identification of allocations are intended to cover the period of the MWJP, that is until 2030 and therefore the absence of proposals at the present time for the development of MJP26 and MJP27 should not be taken as an indication that there is sufficient existing developed capacity within the county for the period right through until 2030. With regards to WJP10, although no planning application for the full allocation site area has been submitted to develop it as a site for the recycling of waste, it must be acknowledged that Selby District Council granted planning permission in 2010 for the erection of a waste transfer building in the base of the quarry within the WJP10 area. This was developed, and then subsequently demolished prior to mid-2014, following approval in 2013 by the District Council of further details regarding the 2010 permission to relocate the Waste Transfer Station. In addition an application NY/2014/0113/ENV for minerals extraction that included restoration of the quarry including placing imported inert CD&E waste on slopes against the quarry faces, then mining waste and limestone fines as cover prior to restoration through the creation of grassland and woodland areas. As at 2020 the WJP10 site is now located in the void of the quarry as the limestone has been extracted and a significant proportion of the WJP10 area has been developed as an industrial estate that includes a mix of uses including for waste transfer and recycling.

7.9 The remaining CD&E recycling allocations and their current development status are:

- WJP24 Potgate (former quarry plant site, North Stainley in Harrogate Borough) was a proposed recycling inert CD&E waste at the quarry. However, the site area is currently still part of the active quarry operation. The application site would be more than 45 kilometres from this allocation and therefore it is not considered that if the application were to be permitted it would have a detrimental impact on the future potential of this allocation site to be developed.
- WJP08 (Allerton Park, near Knaresbrough, in Harrogate Borough) included proposals for a transfer station handling 50,000 tonnes per year and a materials recycling facility for secondary aggregates handling 50,000 tonnes per year. The application site would be more than 26 kilometres from this allocation. In 2020 planning permission was granted for the continuation of waste disposal operations to enable the site to be restored and no recycling operations were part of the application (NY/2018/0280/73) for that development. Therefore, it is not considered that if the application were to be permitted it would have a detrimental impact on the future potential of this allocation site to be developed.
- WJP05 (Land at Duttons Farm, Upper Poppleton in the City of York area) was allocated for recycling CD&E waste and as a landfill site. Policy W05 furthermore specified that WJP05 was only to be permitted as a means of enabling the reclamation of the proposed MJP52 area of clay extraction (located on the same site). In November 2019 the City of York Council issued a scoping opinion in respect of the extraction of clay and restoration of the site through the importation of inert materials this site that lies to the west of Newlands Lane, near to Upper Poppleton. No application has been submitted to date according to the City of York Council's online planning register. However, the linking of the proposed waste use to the clay extraction at the allocation site means that it is not considered that if the application were to be permitted it would have a detrimental impact on the future potential of this allocation site to be developed.



- 7.10 NYWLP 'Saved' Policy 5/7 regarding recycling facilities for construction and demolition wastes would be permitted provided that: c) *'the proposed site is appropriately located within, or adjacent to active or worked out quarries or ...'*. Newthorpe Quarry fulfils that requirement it is an existing active quarry where stone is processed prior to export from the site and is therefore compliant with that part of the Policy. Considerations such as not prejudicing restoration and afteruse of the quarry and the highway network and site access satisfactorily accommodating the traffic and not having an unacceptable impact on local amenity or the environment are dealt with later in this report. Emerging MWJP Policy W01 also encourages moving waste up the waste hierarchy and this is also sort by the NPPW and the proposed facility would provide a new contribution to achieving that goal by the recycling of an estimated 70% of the imported waste material so would be compliant with Policy W01.
- 7.11 Newthorpe Quarry is a non-allocated site because the site was closed between 2007 and 2017 so was not put forward for consideration through the MWJP Call for Sites process. There are no safeguarded sites for recycling CD&E waste within the MWJP Plan Area, however there are existing recycling facilities and transfer stations within Selby District. The PPG refers to demonstrating that an envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy and it is considered that in the light of the status of the allocations Newthorpe Quarry should be considered positively under the principles of MWJP Part 1i) of Policy W05 aim to deliver increased capacity for recycling CD&E waste and, as stated in paragraph 3.3 above, the intention is to handle up to 150,000 tonnes per annum, of which 70% (105,000 tonnes) would be recycled. Therefore, this proposal would deliver increased capacity within Selby District area, but would also be in close proximity to sites including across the boundary in the City of Leeds Council area. Hence it must be considered in the context of Policy W10 and W11 site locational and identification principles.
- 7.12 As stated in paragraph 6.48 above, new facilities, including those for CD&E waste proposals will receive support from emerging MWJP Policy W10 part 3 a) to develop of waste capacity where the site is compatible with the requirements of emerging MWJP Policy W11. Part 4) of emerging Policy W11 specifically refers to siting facilities at active mineral workings where the main outputs of the process are to be sold alongside or blended with mineral produced at the site. The use of the wash plant will enable the processed material to include a range of clean products, including soils. The Applicant considers that Newthorpe Quarry will be a facility for York, Selby and for the West Yorkshire districts of Leeds and Wakefield and is well connected with those areas via the B1222 link to the major road network using the A63 and A1(M). The development would be located within an existing and developing quarry site and the Applicant considers that, by using imported waste as infill, the restoration of the quarry would be improved relative the low-level restoration proposal that was permitted in 2019. On balance, it is therefore considered that the development would comply with the aims principles of MWJP Policy W10 part 3 a) regarding providing additional recycling and landfill waste capacity. It would comply with MWJP Policy W11 Part 4) as the contribution of recycled aggregates to production will assist in achieving recycling targets as well as conserving primary aggregate materials. With regards to 'Saved' Policy 4/1 of the NYWLP the siting of the development would be in accordance with part a) in terms of the site and scale being appropriate in principle to the proposed location and part j being geographically well located to the proposed sources of waste identified by the Application, subject to consideration of other factors including the location being within the Green Belt.
- 7.13 With regard to the proposal's provision of additional inert waste landfill capacity, MWJP Policy W05 Part 1iii) provides for permitting proposals for additional landfill capacity for CD&E waste where it would be consistent with the principles set out in Policy W01 parts

3) and 4). Policy W01 part 3) is not relevant to the consideration of this proposal as it is not for the landfilling for non-inert waste. Policy W01 part 4 relates to inert waste landfill and identifies that landfill of inert waste will be permitted to facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives. Paragraph 6.21 of the MWJP acknowledges that landfill represents the bottom of the hierarchy but *'may be able to play an important role in the reclamation of mineral workings in the Plan area'* and paragraph 6.22 of the MWJP advises that it is appropriate in some circumstances to provide policy support for this method of waste management. It is in the Applicant's interest to maximise the export of any suitable recyclable material as this will move that material up the waste hierarchy. Therefore, the role of the proposed imported material in the reclamation of the site needs to be considered further in the context of that role, before concluding whether the development as a whole is compliant with Policy W01 Part 4 and this is discussed later in paragraph 7.15.

- 7.14 NYWLP 'saved' Policy 6/1 (Landfill Proposals) is structured in a series of linked parts that indicate proposals for additional landfill capacity for the disposal of waste will be permitted provided that part a) it can be demonstrated that there is an over-riding need for the development and that there are no available alternative methods for treating the waste; or b) it is required for the restoration of a former mineral void which cannot be satisfactorily reclaimed in any other way; and c) where appropriate, provision is made for the selective recycling of waste; and d) the highway network can satisfactorily accommodate the traffic generated (which is addressed later in the report); and e) the proposal will not have an unacceptable impact on local amenity or the environment (which is also addressed later in the report). The Applicant has not indicated that the development's landfill purpose is to enable the restoration of a former mineral void which cannot be satisfactorily reclaimed in any other way. Instead, the recycling and infill operations are proposed to contribute to building a strong, responsive and competitive economy by providing an additional source of recycled construction materials into a competitive market place which would be compliant with 'saved' Policy 6/1 part c, through provision being made for the selective recycling of waste, but with the addition of an on-site waste disposal facility for any non-hazardous wastes that cannot be recycled. The NYWLP was adopted in 2006 and, as indicated in paragraphs 3.10 and 3.11, due to the recycling of 70% of the material imported to the site would contribute towards moving waste up the hierarchy and therefore, on balance it would be compliant with NYWLP 'Saved' 6/1 part c) through that provision for the selective recycling of waste. However, it is not considered that it has been demonstrated that there is an overriding need for the landfill element of the proposal.
- 7.15 Emerging MWJP Policy W01, indicates that landfill of inert waste will be permitted where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, and the proposal would potentially do this through the restoration and landscaping of the site, which in principle, subject to the considerations outlined further in this report, is acceptable. If permitted, it would not undermine the potential management of waste further up the waste hierarchy as sought within the Waste Hierarchy in Appendix A of the NPPW, because the proposal is that 70% of the imported material would be recycled and sent for use off site. Furthermore, NPPW paragraph 7 is clear that when determining waste planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan.
- 7.16 It is considered that, in accordance with Selby District Core Strategy Local Plan Policy SP1 a positive approach has, and is being taken in considering the proposal, that reflects the NPPF's presumption in favour of sustainable development and the applicant has been worked with proactively to find solutions and to secure development that improves the economic, social and environmental conditions in the area as sought

by Policy SP13 and emerging Policy D01. The development in this location would also contribute to the aims of Policy SP2 (c) by contributing to and improving the local economy. However, this position is on the basis that the development conforms to Policy SP3 and national Green Belt policies, which is discussed in paragraphs 7.17 - 7.29 below. The development also accords with Selby District Local Plan 'saved' Policy ENV1 provided that the matters within parts 1, 2, 4, 5 and 8 (that are dealt with later in the report) are acceptable. It accords with emerging MWJP Policy W05, as the recycling capacity is not being proposed as an alternative to the development of the allocation sites within that policy, rather as a site that would provide additional capacity to that provided at the allocation sites.

### Green Belt

- 7.17 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The relevant development plan policies with regard to the proposed development's location at Newthorpe Quarry lying within the West Yorkshire Green Belt are: Selby District Core Strategy Local Plan Policies SP2 part (d), and SP3, and Policy D05 of the emerging MWJP.
- 7.18 There are 19,240 hectares of the West Yorkshire Green Belt identified on Figure 5 of the Selby District Core Strategy Local Plan as a 'Key Asset' and amongst the Core Strategy's objectives are 'safeguarding the open character of the Green Belt and preventing coalescence of settlements'. Section 3 of the Selby District Council Local Plan (2005) states that this Green Belt was established in the 1960s with the principal objective of checking further growth of the West Yorkshire Conurbation. A quarry has existed at the Newthorpe since in the 19<sup>th</sup> century. Landfilling of part of the quarry, to the east and north of the current proposal, was permitted in 1972 and in 1980 and ceased in the 1980s. Quarrying at the site has continued and is now controlled by planning permissions granted in February 2019.
- 7.19 As stated in paragraph 6.73 above, NPPF paragraph 134 states that Green Belt serves five purposes. With regard to these, the development would not contribute to, and therefore will not conflict with purpose a) regarding any sprawl of any built-up area, or purpose b) regarding merging of towns, it does not represent a sprawl of a large built-up area, and would not result in towns or villages merging into one. Whilst the site is close to the dispersed settlement that makes up Newthorpe, the nearest town is Garforth, within the metropolitan borough of Leeds, approximately 3.8 kilometres to the west of the site. The villages of Sherburn in Elmet are approximately 2.7 kilometres to the northeast, South Milford 2.6 kilometres east-south-east, Ledsham 2.2 kilometres south-west and Micklefield 1 kilometre west. Consequently, it is considered that there is unlikely to be a significant impact on any special character or setting of any historic town that would conflict with NPPF Paragraph 134 d) with the purposes of the land being within the Green Belt. NPPF paragraph 134 e) regarding assisting in urban regeneration through the recycling of derelict and other urban land is not relevant to the consideration of this application as the land is not derelict, nor urban, and therefore the proposal does not undermine the inclusion of any land within the Green Belt in terms of that purpose.
- 7.20 However, as paragraph 6.76 above states, the NPPF paragraph 143 position is that inappropriate development is by definition harmful to the Green Belt. Such development should not be approved except in very special circumstances and that substantial weight is given to any harm to the Green Belt and that these circumstances 'will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. Whilst, as stated in paragraph 6.76 above, minerals extraction is not inappropriate development, as a waste proposal the

development does not fall within the exceptions in NPPF paragraph 146. Therefore, as inappropriate development this waste-related application is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances, it is necessary therefore to consider whether 'very special circumstances' for this development actually do exist. These special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 7.21 As described in Section 2 of this report the current 10.5 hectare quarry area is based on the two extant planning permissions (references C8/59/43/PA and C8/2017/1230/CPO) that were granted on 26 February 2019, and the application site proposed overlaps parts of these two permission areas as shown in Appendices C & D below). The site is acknowledged in the updated Selby Landscape Character Assessment as being one of the Magnesian limestone mineral extraction sites recurrent throughout the landscape and concentrated in the west of Selby District in the slopes of the limestone ridge. Small/limited glimpses of the quarry occur from the B1222 between the A1(M) and Newthorpe, however, these are predominantly parts of existing quarry faces which would be covered if the development were to go ahead. Although the restored former landfill is visible from the B1222, it is not immediately evident at first sight that it was a former quarry and domestic landfill, because it is rough grassland and the landform is blended into the surrounding landscape.
- 7.22 The broad policy concept of 'openness' is the state of being free from built development or urban sprawl, as distinct from there being an absence of impact. When the Green Belt was designated in the 1960s, quarrying in the Newthorpe area had already occurred and was still taking place. Thereafter, quarrying has continued, although with a 10 year break between 2007 and 2017. The existing quarry area has not yet been restored to any specific use with the exception of the land where landfill operations occurred during the 1970s and 1980s. This site therefore currently forms part of the existing openness within the Green Belt. Therefore built development in the form of huts and structures associated with the manufacture of lime or associated with quarrying at the site has been present since well before the 1950s. The proposed recycling and infill within the quarry will also be contained within the footprint of the permitted quarry boundary and no activities would be carried out above original ground level except for final restoration works. The creation of screening bunds around the quarry is in progress around part of the quarry and will continue round the southern edge of the site as part of the already permitted operations within Planning Permission C8/59/43/PA. Furthermore, the built development associated with the quarry is required to be removed at the end of quarrying development.
- 7.23 With regard to the consideration of openness of the Green Belt, Newthorpe Quarry lies on a Magnesian limestone ridge and the Core Strategy refers in paragraph 2.49 to that ridge as providing '*an attractive undulating landscape, in contrast to the remainder of the District which is generally flat. The villages in this area are set against the backdrop of the designated Locally Important Landscape Area, and the designated West Riding Green Belt*'. Although paragraph 2.49 does not refer to it, there are within that existing open undulating landscape character of the Green Belt a number of old and currently active quarries which form part of that landscape character of the ridge (and therefore the openness context in this particular part of the Green Belt), including sites which existed when the Green Belt was designated in the 1960s and are still operating, from sites in the vicinity of Tadcaster in the northern part of the District, to those such as the former Micklefield Quarry mentioned in paragraph 2.7 above and Newthorpe Quarry to the west of Sherburn in Elmet that are located in the middle part of the ridge, and to the south there are the Darrington, Kirk Smeaton and Barnsdale Bar quarry areas at the southern end of the ridge within Selby District.

- 7.24 Furthermore, the area within which Newthorpe Quarry lies between Aberford in the north, Garforth to the west and Sherburn in Elmet to the east and Ledsham to the south, is characterised by a number of woodlands and tree blocks, of a variety of different sizes, that also form part of the landscape character of the area, and break up the openness from a visual perspective. Indeed the Castle Hills area immediately to the west of the quarry is wooded (which includes the western part of the area of the Scheduled Ancient Monument), as is Hartly Wood immediately to the north of there. In the immediate vicinity is the woodland along the railway and within the north-west corner of the quarry. Together these all form the openness context to the existing quarry and proposed development site.
- 7.25 The current landfilling and recycling proposals, would be a new chapter in the life of Newthorpe Quarry. Although a proposal may not conflict with the purposes of including land in the Green Belt, it could still represent inappropriate development if it was deemed to have a greater impact on the openness of the Green Belt than the site does at present. It is necessary to consider the visual effect of the proposed development upon the openness of the Green Belt. However, whilst a new washing plant is proposed that plant will be ancillary to the development and being in the quarry void is not considered to affect openness and it would be temporary being removed prior to restoration of the site and would thus have no permanent impact on the overall openness of the Green Belt in the area. No addition buildings are proposed as part of this development, although a temporary washing plant does form part of the proposal. Sherburn-in-Elmet is the nearest larger village settlement to the site and lying more than two kilometres away it is outside the zone of theoretical visibility. Therefore, due to the distance and local variations in topography, it is not considered that the development will have any impact on the setting or any special character of that settlement and it is similarly the case for the settlement of Newthorpe as visibility is curtailed by the quarry woodland, and embankments of the Leeds to Selby railway, so there is no conflict with the purposes of the Green Belt in terms of NPPF paragraph 134 d). No objections have been raised by Natural England or the County Council's Principal Landscape Officer.
- 7.26 Consequently in terms of Selby District Core Strategy Local Plan Policy SP2 part (d), it is not considered that the proposed development, including the installation of the washing plant in the quarry void to assist the recycling process, and it will not have a greater impact on the openness of the Green Belt than the existing quarry development as the washing plant is not to be located within a building, and will not be a permanent structure at the site. Furthermore, its crusher and screening equipment will assist with grading the material into the products for sale, and so it will not be contrary to NPPF paragraph 145. It will enable the site to contribute further to the local economy through the recycling activity and the provision of the landfill facility and would not involve a disproportionate increase in the scale of the on-site built development, to that associated with the quarry operation. The development will not further open the site up visually to views as it will be located (with the exception of the final restoration) in the quarry void. Therefore, with regards to emerging Policy M11, as indicated within paragraph 5.58 of the policy justification text, it is considered that appropriately scaled recycling activity at operational minerals extraction sites in the Green Belt can be supported in principle under this policy, provided that it would preserve the openness of the Green Belt and be consistent with the purposes of the Green Belt.
- 7.27 Although only limited weight can be given to Policy D05 of the emerging MWJP, as stated in paragraph 6.53 above until further progress towards adoption of the MWJP occurs, it does nonetheless support certain activities as being appropriate where the openness of the Green Belt would be preserved and that do not conflict with the purposes of including land in the Green Belt. Firstly, the development would effectively be in accordance with Policy D05 Part 2) iii) by recycling C&D waste in order to produce recycled aggregate within an active quarry within the permitted life of the quarry, which

is February 2042 under the terms of Planning permissions C8/59/43/PA and C8/2017/1230/CPO. Indeed, the intention, to be secured by the proposed condition 3, is that the site would be completed within 12 years of commencement, so by approximately 2036. This earlier completion would be beneficial in that the removal of the buildings currently permitted would be achieved earlier. The restoration proposals within this application would, as is required by the current planning permission, result in the built development (cabins and weighbridge) that was permitted by the Planning permissions C8/59/43/PA and C8/2017/1230/CPO, being removed from the site. Secondly, the development would achieve with regards to Policy D05 Part 2) vi) the landfilling of parts of the quarry void for the purposes of quarry reclamation and restoration to an after use compatible with the purposes of Green Belt designation. therefore it is considered that, although waste development is 'inappropriate' in the Green Belt there will not be an adverse impact on or harm to the openness of the Green Belt as the development would wholly be contained within the quarry.

- 7.28 Selby District Core Strategy Local Plan Policy SP3 requires planning permission to not be granted for inappropriate development unless very special circumstances exist. The Supporting Statement for the application sets out the benefits of siting waste recycling at the site and for using waste that cannot be recycled to infill the quarry in order to restore it close to original ground levels. The co-location of the recycling operation with disposal reduces lorry traffic on the road network, since otherwise the wastes would have to be transported from the recycling facility to the point of disposal. The siting of the operation on the floor of a quarry also reduces the environmental impacts when compared with a surface location, since the quarry itself provides an effective screen for noise and dust generation as well as visual impact. For some products there is also advantage to be gained by blending the quarry products with recycled wastes, enabling more waste to be recycled. The larger tonnage of materials handled also would enable more return trips to be organised, further reducing traffic impacts.
- 7.29 In the light of these benefits and the earlier completion of the minerals operation at the site it is considered that very special circumstances do exist for the development as proposed. These circumstances are that as the emerging MWJP identifies a potential capacity gap for the recycling and landfill of CD&E waste towards the later part of the Plan period within Policy W05, and the proposed development would contribute in the latter part of the Plan period through to 2030 to meeting that gap as set out in paragraph 7.x above with the washing plant assisting in enabling the best use, through recycling, of the material imported to the site. It is considered also that the proposed washing plant does not conflict with NPPF paragraph 145, as whilst it would be a structure on site within the recycling compound, it would be temporary and located in the base of the quarry, and although there would be changes to the shape of the landform, the land would essentially remain open. Therefore, the development would not conflict with Selby District Core Strategy Local Plan Policy SP2 part (d), or Policy SP3, nor with emerging MWJP Policy D05 Part 2) iii) and vi)..

Local amenity (noise, light pollution) and air quality (emissions and dust)

- 7.30 Relevant policies to this section include Policy SP19 of the Selby District Core Strategy Local Plan regarding the health and social well-being of the local community whilst preventing contributions to, or effects by, unacceptable levels of air, light or noise pollution. The North Yorkshire Waste Local Plan: 'saved' Policy 4/1 (Waste Management Proposals) in respect of the facility being permitted provided method and scheme of working would minimise the impact of the proposal (Criterion b) such that amenity issues are controlled, and, 'saved' Policy 4/19 (Quality of Life) to ensure there will not be an unacceptable impact on residential amenity. Selby District Local Plan Policies ENV2 A) and ENV3 (light pollution) and Policy D02 are relevant in respect of local amenity and cumulative effects of the emerging Minerals and Waste Joint Plan.

- 7.31 *Noise* – The noise impact assessment undertaken and submitted as an appendix to the Environmental Statement is considered to be in accordance with the PPG. The acoustic environment in the vicinity of the site predominantly comprises sound from continuous road traffic using the A1(M) along with more intermittent traffic movements on local links such as the B1222. Other notable sound sources included regular train movements, frequent birdsong and occasional overhead aircraft. The noise impact assessment also took account of the type and frequency of use (movements/hour or percentage of the time) and the Sound Power Level dB(A) likely to be generated on site such as by tracked excavator, wheeled loading shovel, dump truck, dozer, tracked mobile drilling rig, wash plant, diesel generator, processing plant for use in regards to quarry operation and with regards to the recycling operations. Neither Selby District Council (Planning), the Parish Council, nor the Environmental Health Officer of Selby District Council (subject to planning conditions in order to protect residential amenity at nearby sensitive receptors including hours of operation and noise levels) have objected to the development. No representations regarding noise concerns have been received from local residents. Conditions 8 to 10 in Section 9.0 below would achieve these objectives. It is therefore considered that, subject to the conditions 8 to 10 proposed being imposed regarding undertaking the development in accordance with the noise assessment, the control of noise levels and the control of hours of operation there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network or on ecological interests as a result of noise arising from the development. This therefore accords with the elements regarding noise set out within Policy SP19 of the Selby District Core Strategy Local Plan and within Policy D02 of the emerging MWJP. In addition the development, would not create an unacceptable impact on local amenity in terms noise within ‘saved’ Policy ENV2 of the Selby District Local Plan and ‘saved’ Policies 4/1 part h) and 4/19 of the North Yorkshire Waste Local Plan and would therefore be in accordance with those policies and NPPF paragraphs 170 and 180 and the noise element of the locational criteria within the NPPW Appendix B.
- 7.32 *Lighting* - The landscape assessment undertaken for the period when the proposed recycling and infill operations and restoration works taking place from 2020 until 2035 and that extraction will be ongoing in quarry during this time up until around 2026. This includes the potential lighting of the recycling plant on the quarry floor at night for safety/security purposes. Potential landscape effects from lighting of the quarry at night have been considered in respect of the landscape resource, however no night-time recycling or infill working is proposed and any lighting in the cabin and facilities area during the late afternoon during the winter months would be approximately 20 metres down within the quarry void and therefore would have negligible impacts on the wider landscape. Details of a potential lighting specification have been provided and and the approval details of the lighting can be controlled via the proposed condition 11 to limit impact on local amenity and nature conservation as requested by the Principal Landscape Architect. Therefore, in respect of ‘Saved’ Policy ENV3 (Light Pollution) any outdoor lighting will be in accordance with that policy by being the minimum level required for security and/or operational purposes and would not have a significant adverse effect on local amenity or detract significantly from the character of a rural area. It would also accord with ‘saved’ Policies 4/1 part h) and 4/19 of the North Yorkshire Waste Local Plan; emerging Policy D02 of the MWJP and also the principle within the NPPF paragraph 180 c) concerning the limiting of the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation and the locational criterion j) within the NPPW requiring the potential for light pollution to be considered.
- 7.33 *Air Quality and airborne emissions including dust* – As described in Section 2.0 dust sensitive receptors in the locality are limited to a small number of dwellings on and in the vicinity of Hall Lane and are largely screened by topography and woodland. Other dwellings to the east, west and south are further away, more than 500 metres from the

nearest part of the development. The surrounding agricultural land is a low sensitivity receptor. The prevailing wind is from the south and west, potentially resulting in the highest dust impacts being for houses on Hall Lane. Quarrying impacts were taken into consideration in the determination of the two applications in 2019 and following the cessation of the use of Hall Lane as the access route to the site, no complaints regarding dust from the site have been received.

- 7.34 Operations and activities during recycling and landfilling also, have potential to generate dust for example through the movement of mobile plant around the site and lorries leaving and entering the site; the placement of backfill materials and the placement of soils as part of the restoration process of vehicles. However, in addition to not accepting wastes consisting solely or mainly of dusts, etc., (as described in paragraph 3.4), the Applicant proposes that dust control will concentrate on preventing dust emissions beyond the site boundary and will centre on using water to condition materials and to damp down running surfaces. A specific dust action plan has not been requested by the EHO. However, the application details include an assessment of the potential dust impacts and it is considered that the control of any dust relating to this new development proposal will be adequately secured by proposed Condition 3.
- 7.35 Exhaust emissions from mobile plant, generators and from road transport are likely to be small when considered relative to the primary source of emissions being the A1(M) to the west of the site. The Applicant proposed that wherever possible, road going vehicles and plant will be selected on the basis of the most up-to-date emissions standards. The cessation of the use of Hall Lane has removed emissions arising from the site from being in proximity with the properties on that road and lessened the potential impact on Squires Café on the B1222 near Newthorpe. The proposed routing, via the Section 106 will further assist in taking HGVs away from Newthorpe and, although the proposed routing would take vehicles past properties to the south-west of the A1(M) lying adjacent to the former Great North Road (now a dual carriageway section of the A63) such as those in the vicinity of the Milford Hotel, and 2 properties at Pointer Farm, it is not considered that these properties will be significantly affected by the traffic associated with this development.
- 7.36 This therefore accords with the elements regarding air quality set out within Policy SP19 of the Selby District Core Strategy Local Plan and within Policy D02 of the emerging MWJP. In addition the development, would not create an unacceptable impact on residential amenity in terms of within 'saved' Policy ENV2 A) of the Selby District Local Plan and 'saved' Policies 4/1 part h) and 4/19 of the North Yorkshire Waste Local Plan and would therefore be in accordance with those policies and NPPF paragraphs 170 and 180 and the air emissions element of the locational criteria within the NPPW Appendix B.

#### Landscape and visual impact

- 7.37 Relevant policies to this section include within the North Yorkshire Waste Local Plan: Policy 4/1 e) effective landscaping and screening sympathetic to local landscape character; 'saved' Policy 4/3 (Landscape Protection) that requires there not be an unacceptable impact on the character and uniqueness of the landscape and, wherever possible, proposals should result in an enhancement of the local landscape character. Selby District Core Strategy Local Plan Policy SP19 Design Quality and Selby District Local Plan 'saved' Policy ENV15 – Conservation and Enhancement of Locally Important Landscape Areas and emerging MWJP Policy D06 (Landscape).
- 7.38 The Selby updated landscape character assessment acknowledges the existence of Magnesian limestone mineral extraction sites including Newthorpe Quarry within the landscape. The planning permission C8/59/43/PA granted on 26 February 2019 permits minerals extraction to occur until 2042, and, as described in this paragraph the developer intends the quarrying to be completed sooner than that date. The



Environmental Statement that accompanied the application concluded that the overall significance of landscape effect would be temporary cumulative minor/moderate adverse effects to both landscape character and visual amenity for the first six years of development (2020 to 2026) when the infilling would be commencing; temporary minor adverse/negligible from 2027 until 2035 and then negligible/minor beneficial in the longer term. This would be due to assimilation being achieved as and through the restoration to agriculture on the infill slopes of the quarry, and with the new woodland planting on the steep slope replicating natural regeneration within the older parts of the quarry, plus the re-establishment of limestone grassland habitat on the quarry floor and the maturing woodland edge planting approximately 15 years after the completion of the proposals (2050).

- 7.39 It is acknowledged that the development would have a temporary impact on the landscape character and visual amenity of the close surroundings of the site. However this impact will be mitigated by the proposed restoration contours. The LVIA for the ROMP and quarry extension concluded that there would be overall minor adverse effects to landscape character and temporary minor/moderate adverse visual effects reduced to no change/negligible in the longer term. The LVIA for the infill and recycling proposals concludes due to the period of concurrent works (quarrying and recycling/landfill that there would be overall temporary cumulative minor/moderate adverse effects to both landscape character and visual amenity for the first six years of development (2020 to 2026) when the proposals would be concurrent with the quarry extraction. The period of six years constitutes approximately a third of the anticipated lifetime of the development. For the remaining nine years, approximately two-thirds of the development life up to 2032, the overall effects to both the landscape and visual amenity is considered to be temporary minor adverse. The effects to landscape are assessed as negligible/minor beneficial in the longer term due to the proposals to restore the landscape in part and the added value arising from the increased onsite biodiversity. Residual effects to visual amenity are considered to be negligible.
- 7.40 Natural England consider that the development will not have significant adverse impacts and the NYCC Principal Landscape Officer has not objected to the development subject to conditions, including the proposed condition 16 that addresses the landscaping of the site. On this basis it is considered that the landscaping and screening has been designed to mitigate the development in a way that is sympathetic to local landscape character of the Magnesian limestone ridge. Furthermore, any cumulative effects are considered to be at 'worst', temporary moderate/minor adverse for the smaller proportion of the development life and is not unacceptable.
- 7.41 Therefore the development is and will be developed in a manner that is in accordance with 'saved' NYWLP Policies 4/1 e) and 4/3, Selby District Core Strategy Local Plan Policy SP19, Selby District Local Plan 'saved' Policy ENV15 and emerging MWJP Policy D06 (Landscape) through, subject to the imposition of conditions 3, 4 and 14, there not being an unacceptable impact on the character and uniqueness of the landscape and also through the proposed use of landscaping and screening sympathetic to and enhancing the landscape character of the West Selby Limestone Ridge Landscape Character Area and the Smeaton Ridge Locally Important Landscape Area.

Biodiversity, habitats, nature conservation and protected species

- 7.42 Policy 4/10 of the NYWLP, Selby District Core Strategy Local Plan Policy SP18 and Selby District Local Plan Policy ENV9 are relevant because a proportion of the application site is a designated SINC site. Emerging Policy D07 of the MWJP in regards to biodiversity can only be given limited weight until it is demonstrated through the Main Modifications consultations that the major objections to this policy regarding consistency issues with NPPF are resolved. However, Paragraph 170 of the NPPF part a) also considers policies should protect and enhance sites of biodiversity

'commensurate with their statutory status' as sought by Part 1 of Policy D07. Paragraph 170 of the NPPF part d) supports the principle of minimising impacts on biodiversity and establishing ecological networks that are more resilient to current and future pressures. Therefore, the inclusion within Policy D07 Part 5) that scheme designs, including any proposed mitigation, should to seek to contribute positively towards delivering agreed biodiversity, including those set out in local Biodiversity Action Plans, and support resilient ecological networks is relevant.

- 7.43 The site is not covered by any national statutory nature conservation designations. However, parts of an area around, and including, parts of the current proposed development site were locally designated as a Site of Interest for Nature Conservation (SINC) in 1998. This was in recognition of the calcareous habitats created by previous quarrying. Some areas of former calcareous grassland remain in small pockets, but some is lost or is vulnerable to scrub/woodland growth shading out the ground flora and the wetland area present on site when the SINC survey was completed in the 2011 has since been lost through alterations of the quarry floor.
- 7.44 With regard to bats, badgers, otters, water vole, amphibians and reptiles no further survey or assessment work was required. Local ornithologists who had been recording birds within the quarry for a number of years prior to its reopening in 2016 were also contacted by the consultant preparing the assessment for the Applicant. The impact on sand martins was assessed in 2017 and condition 34 of decision notice C8/2017/1230/CPO requires the provision of new nesting habitats suitable for use for the sand martins. The Ecological Impact Assessment within the Environmental Statement for this current application has identified some potential locations for the new sand martin bank within quarry phase 5. It is considered that with appropriate mitigation and compensation that there would be no impacts upon breeding sand martin at this site. The Ecological Impact Assessment recommends that further assessment of impacts upon Schedule 1 birds and breeding sand martin is undertaken and that removal of trees, shrubs and surface vegetation within phase 5 should be completed outside of the bird breeding season (March to September inclusive). Where this is not possible a suitably qualified and experienced ecologist should complete survey of the Site immediately prior to completion of the proposed works to search for nesting birds and to advise on exclusion zones or timing of works if nesting birds are recorded.
- 7.45 Many of the habitats identified during the original surveys upon which the SINC designation is based have since been lost through quarrying operations and natural succession of grassland to scrub vegetation. Amended details received in November/December 2020 clarified, to the satisfaction of the Principal Ecologist that the ecological impact of the amended scheme, and the mitigation through the proposed calcareous grassland restoration and its management were clearer. The restoration proposed would compensate for the impacts upon the Site of Importance for Nature Conservation (SINC) and that the principles set out in the Newthorpe Quarry Limestone Grassland Creation, Management and Monitoring Framework (March 2018) were appropriate for the restoration of this application area. It is proposed that this would be secured via proposed condition 15, such that restoration would be undertaken in accordance with the recommendations of the Ecological Impact Assessment and the requirements of Condition 16 would provide for the aftercare of the site.
- 7.46 The generic advice provided by Natural England relating to Sites of Special Scientific Interest; biodiversity, protected species in accordance with standing advice; local sites, priority habitats and species can be attached as an informative in the event of planning permission being granted.
- 7.47 Therefore the development is and will be developed in a manner that is in accordance with 'saved' NYWLP Policy 4/10 Selby District Core Strategy Local Plan Policy SP18,

Selby District Local Plan 'saved' Policy ENV9 and emerging Policy D07 Part 5) and with NPPF paragraph 175. This will be through the restoration proposed compensating for the past and current impacts on calcareous habitats including the calcareous grassland of the previously designated Site of Importance for Nature Conservation (SINC).

The Historic Environment (Cultural Heritage)

- 7.48 Selby District Core Strategy Local Plan Policy SP18 (Protecting and Enhancing the Environment) is the most relevant to this topic, as it is more recent, being adopted in 2013. Policy SP18 includes, as Part 1, the need for the safeguarding, and where possible, enhancing of the historic environment and setting of areas of acknowledged importance. The NYWLP 'saved' Policy 4/16 (Archaeological Sites) requires account be taken of the significance of heritage assets and the impact of a proposal on a heritage asset. Policy ENV27 of the Selby District Local Plan relates to Scheduled Monuments. The relevant aspects of emerging Policy D08 of the MWJP relate to the conserving and, where practicable, enhancing of elements that contribute to the significance of the area's heritage assets including their setting including the archaeological resource of the Southern Magnesian Limestone Ridge.
- 7.49 The area of the Magnesian Limestone ridge where Newthorpe Quarry is located contains extensive evidence of heritage assets of archaeological interest. These include settlement sites, enclosures, and associated trackways and field systems of primarily later Iron Age and Roman date, including the scheduled area immediately to the west of the quarry. As stated in paragraph 2.7 above, the Castle Hill Scheduled Ancient Monument (SAM) is immediately to the west of the development site. Selby District Council's Planning Team consultation response drew particular attention to the need for consideration of the close proximity of the development to the SAM. The Applicant's Environmental Statement cultural heritage section described that the impact upon the setting of the eastern part of the monument would be a minor to moderate but a temporary adverse effect (dependent upon distance), with a consequential minor and temporary adverse effect upon the significance of the monument. The Environmental Statement concluded that whilst the recycling and infill would continue through to 2025-2030 the impacts would have a negligible effect upon the monument's significance as the remains, its preservation and its contribution to further study would not be affected.
- 7.50 Historic England confirmed in its response that it did not wish to comment on the application, and, the NYCC Principal Archaeologist has also not expressed any objection. Hence, no opinions by heritage professions have suggested that the proposed development would have an unacceptable or long-term effect of the nationally important remains, or indeed their settings. Therefore, it is not considered that there is evidence to indicate that there would be any long-term detrimental impact on the Scheduled Ancient Monument (which lies outside the Newthorpe Quarry site area) or indeed on setting of that Scheduled Ancient Monument.
- 7.51 With regards to Listed Buildings the nearest at 250 metres away, is Newthorpe Cattle Creep Bridge. That accommodation underbridge built for the Leeds & Selby Railway in the 1830s was probably to facilitate the movement of livestock. The proposed development will have no impact on that structure.
- 7.52 Subsequent to the completion of the restoration proposals the trees, shrubs and surrounding hedge planted around the margins of the quarry would largely screen the area of restored landfill. The existing views from the monument further to the east (other than from along the very eastern edge of the scheduled area adjacent to the quarry) would not be obscured due to the low proportion of trees. Any change to the existing setting of the monument would therefore be limited. The restoration proposals would result in a greater proportion of the former quarry being infilled and returned to

agricultural use together with a reduction in the extent of the former quarry faces that would remain exposed. The impact upon the setting of the monument is therefore considered to be a minor long term beneficial effect (and a negligible beneficial effect upon its significance).

- 7.53 Consequently, notwithstanding the proximity of the development to the SAM site, it is considered that there will not be an unacceptable effect on that nationally important archaeological remains, or on local historic assets that contribute most to the distinct character of the Selby District. Nor would it have an impact on the setting of areas of acknowledged importance or harm the significance of the designated heritage asset. The Principal Archaeologist has not requested the imposition of any planning conditions. Consequently, it is considered that the development is in accordance with Part 1 of Policy SP18 of the Selby District Core Strategy Local Plan, with 'saved' Policies 4/14 and 4/16 of North Yorkshire Waste Local Plan and with Part 2 of Policy D08 of the emerging MWJP in respect of conserving those elements of the archaeological resource which contribute most to the distinctive character of the Southern Magnesian Limestone Ridge. Furthermore, there are no conflicts with paragraph 193 of the NPPF as no unacceptable adverse impacts on the historic environment are anticipated.

Water quality and resources, flood risk and drainage

- 7.54 The relevant policies for this section are Selby District Core Strategy Local Plan Policy SP18 (Protecting and Enhancing the Environment) in respect of protecting water quality, and Policy SP19 (Design Quality) in respect of preventing contributions to or effects by unacceptable levels of water pollution. Within the North Yorkshire Waste Local Plan Policy 4/1 (Waste Management Proposals) parts b), c), d), and h) are in respect of the method/scheme of working minimising the impact; not having an unacceptable environmental impact or unacceptable cumulative impact on the local area and environmental and amenity safeguards mitigating the proposal; and Policy 6/1 (Landfill Proposals) part e) regarding not having an unacceptable impact on the environment. Selby District Local Plan 'saved' Policy ENV2 (Environmental Pollution and Contaminated Land) Part A regarding development giving rise to unacceptable levels of contamination or other environmental pollution including groundwater pollution not being permitted unless satisfactory remedial or preventative measures are incorporated into the scheme. MWJP emerging Policy D09 (Water Environment) requires demonstration that no unacceptable impacts will arise to surface or groundwater quality and/or surface or groundwater supplies and flows; avoiding of unacceptable risk of pollution and the inclusion of measures to contribute to flood alleviation.
- 7.55 The site is not shown on the Environment Agency Flood Map as being at risk of flooding from any source and is free draining with no off-site discharge of surface water. However, as stated above in Paragraph 3.16 v.) Newthorpe Quarry is located within a limestone layer (Cadeby Formation) and the Hydrological and Hydrogeological Impact Assessment within the Environmental Statement acknowledges that the limestone is a principal aquifer of high regional water resource value. That impact assessment also acknowledges the concern, as expressed by Selby District Council, that there may be potentially contaminated ground within the quarry boundary given the presence of the adjacent historic landfill site. Hence the Applicant proposes that the management practices on site must be effective at mitigating any risk to groundwater quality. This includes compliance with the quarrying planning permissions that condition that workings do not extend to groundwater and this is achieved by maintaining a minimum of 1m of unsaturated zone between the quarry floor and the groundwater level in the underlying aquifer across all areas of the current and future quarry development. The quarrying permissions also require all fuel and oil storage tanks shall be bunded using impervious bunds and floors and there to be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct

or by soakaways. The site already has four existing water monitoring boreholes: located at the north side of quarrying phase 5; midway along the southern edge of quarrying phase 2; at the south-east corner of quarrying phase 1 and at the north-east corner of quarrying phase 4. This is a matter that is already within the control of the Applicant through compliance with the conditions within the two current quarry planning permissions and the excavation floor levels were determined by groundwater levels recorded on six occasions between July 2017 and January 2019. The retention of this unsaturated zone is to prevent the development of direct drainage pathways to groundwater and mitigates risk of direct contaminant migration to groundwater. Paragraph 2.15 of the Revised Supporting Statement includes that 'groundwater levels have been subject to minor variation, with the gas monitoring showing normal results and indicating that there was no gas migration from the closed municipal landfill on the north side of Phase 4. The water analysis results indicate that groundwater in the Cadeby Formation at the site is uncontaminated and consistent with drinking water standards for analytical determinands'.

- 7.56 As is described in Section 3.0 above, the new landfill area would have an engineered lining system to enable collection and management of any leachate generated from the waste. The risk of accidental contaminant spillage or leakage would be reduced through design and implementation of pollution prevention measures in accordance with Environment Agency guidance and industry best practice. For example, through storage in secure locations equipped with bunded containment systems of all potentially polluting substances and an emergency spill response procedure for communication to all site operatives with the aim of identifying, controlling and remediating any accidental spillage of potentially polluting substances as quickly as possible. These are matters that would be controlled by the Environment Agency through the Environmental permitting process and as advised in NPPW paragraph 7 bullet point 5 waste planning authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. In the light of this advice, it is therefore not considered appropriate to duplicate such controls through the imposition of planning conditions.
- 7.57 The Applicant's risk modelling indicates that the proposed landfill would not lead to the release of hazardous substances to groundwater and that any release of non-hazardous substances would not lead to pollution of groundwater or surface water resources. However, achieving the appropriate design for the clay layer and the design performance of the liner is important factor to ensure adequate protection for the groundwater resource. Subject to achievement of design engineering standards, the proposed development would be fully compliant with the requirements of the Groundwater (England & Wales) Regulations 2009 and there would be no significant residual adverse hydrological or hydrogeological effects. The Environment Agency has not objected to the application, although it has indicated that an Environmental Permit will be required before the development can commence.
- 7.58 It is considered that the development as proposed has been designed so as to ensure that it can proceed without creating unacceptable levels of water pollution. The measures include the washing plant being on a self-contained for water circulation and no use of settlement lagoons. Whilst the proposal is for the material deposited in the landfill to be inert, some of the wastes imported will fall into a non-hazardous waste classification. Therefore, as recommended in the Hydrogeological Risk Assessment (Appendix ES5 to the Environmental Statement) an engineered lining containment system for the landfill including a leachate drainage system would allow collection and management of any leachate generated from the waste. A SuDS-based surface water drainage scheme is intended to ensure that all surface water is contained within the site boundary and discharged to underground strata and continued measurement of

groundwater levels and quality will occur via boreholes. Condition 13 is proposed in order to ensure that there is no pollution of ground or surface waters. Furthermore, the Environment Agency will also control the development via the permitting process and this, as set out in paragraph 4.12 above, would ensure that measures to be in place to prevent pollution to ensure that there is no harm to human health, the quality of the environment, or the surrounding amenity.

- 7.59 Therefore, on this basis it is considered that the development would be able to take place in compliance with the relevant water management and pollution control requirements of Selby District Core Strategy Local Plan Policies SP18 and SP19; Selby District Local Plan 'saved' Policy ENV2 and emerging Policy D09 of the MWJP and North Yorkshire Waste Local Plan Policy 4/1 (Waste Management Proposals) parts b), c), d), and h) and Policy 6/1 (Landfill Proposals) part e) in respect of the method/scheme of working minimising the impact such that there is not an unacceptable environmental impact or unacceptable cumulative impact on the local area. It is also considered that the development accords with the requirements of paragraphs 170 d), 178 and 179 of the NPPF regarding avoidance of water pollution and protection of water quality and of Appendix B of the NPPW regarding protection of water quality and resources and flood risk management.

Highways matters- Traffic and transport

- 7.60 The relevant policies for this section are Selby District Core Strategy Local Plan Policy SP15. NYWLP 'Saved' Policy 4/1 (criterion d and g) that there would not be an unacceptable cumulative impact on the local area and adequate transport links; 'saved' Policy 4/18 of the North Yorkshire Waste Local Plan regarding the vehicle movements being satisfactorily accommodated by the local highway and not having an unacceptable impact on local communities. 'Saved' Policies ENV1, T1 and T2 of the Selby District Local Plan. Emerging policy D03 of the MWJP and NPPF paragraph 109.
- 7.61 The Transport Assessment within the Environmental Statement concluded that this development's traffic movements should be acceptable in terms of both highway capacity and road safety. The combined recycling and landfill operation would generate an average of 65 loads per day in and 21 loads out. The recycling and landfill traffic would be in addition to the normal quarry operations (estimated as having a likely maximum of 48 loads per day). There may also be a degree of return loads, which would reduce the total traffic movements. The use of Hall Lane in connection with the quarry has ceased. The sole access permitted in connection with the quarrying planning permissions, and proposed for this new development, is from the south of the quarry directly off the B1222 near to the bridge over the A1(M) and is a designed access with maintained visibility splays. This sole access requirement can be secured (in Condition 5), as requested within EHO's consultation response.
- 7.62 No objections to the application have been raised by the Highway Authority and therefore it is considered that the access onto the B1222 is suitable for the proposed development and B1222 is suitable for the volume of traffic proposed. Huddleston with Newthorpe Parish Council, within whose area the site is located, has not made any representations for, or against, the application. However, an objection by Sherburn in Elmet Parish Council has been raised regarding traffic going to or from the proposed development via Sherburn in Elmet, and, notwithstanding, their objection remains. The Applicant has voluntarily submitted the proposed Section 106 Agreement to specifically address the routing of vehicles to and from the site. Whilst the Section 106 is not necessary to make the development acceptable in planning terms as it is not an express request of the Highway Authority; it is directly related to the development. It is considered to be fair and reasonably relative in scale and kind to the development and it is considered that it will mitigate any potential for a traffic impact on Sherburn in Elmet that may arise from the development.

- 7.63 Therefore, it is considered that there are appropriate transport links to and from the site. The traffic generated will be satisfactorily accommodated by the local highway, and vehicle movements managed subject to the conditions proposed and the completion of the proposed S106 agreement, such that there will not be an unacceptable cumulative impact on the local area or on local communities. Hence the development would accord with Selby District Core Strategy Local Plan Policy SP15 and NYWLP 'Saved' Policy 4/1 (criterion d and g); 'saved' Policy 4/18 of the North Yorkshire Waste Local Plan, 'Saved' Policies ENV1, T1 and T2 of the Selby District Local Plan and emerging policy D03 of the MWJP and NPPF paragraph 109.

#### Public Access

- 7.64 The relevant policies for this section are Selby District Core Strategy Local Plan Policy SP18 regarding protecting and enhancing public rights of way and access; and, in Policy SP19 the creation of rights of way, facilitating of sustainable access and the promotion of access to open spaces. 'Saved' Policy 4/20 (Open space, Recreation and Public Rights of Way) of the NYWLP requires waste development to not have an unacceptable impact on recreational amenity including the enjoyment of the Public Rights of Way network, whereas NPPF paragraph 98 requires decisions to protect and enhance public rights of way and access and has more weight. Emerging Policy D02 in regards to Local Amenity and Cumulative Impacts includes within Part 1) that proposals for waste development, will be permitted where it can be demonstrated that there will be no unacceptable impacts on users of public rights of way network. Although, as stated in paragraph 6.51 above, limited weight can be given to Policy D02 until the major objections to that policy regarding consistency issues with NPPF are resolved.
- 7.65 As described in Sections 2.0 and 3.0 above a footpath abuts the southern edge of the site and is crossed by the access to the site. Furthermore, as mentioned in paragraph 2.7 above, footpath 35.39/3/1 from Hall Lane, Newthorpe along the southern boundary of the quarry has already been diverted around Phase 1 of the workings, there is a Diversion Order awaiting certification, and as part of phases 3 and 4 of the already permitted quarry development, is already proposed to be formally diverted around the perimeter of the quarry prior to soil stripping and extraction of those respective phases. This is acknowledged by the County Council's Public Rights of Way team response in paragraph 4.15 above.
- 7.66 The soils already stripped from Quarry Phases 1 and 2 are already placed in bunds to the south of those phases and it is proposed to do likewise with the soils from Quarry Phases 3 and 4. Therefore, in terms of this application, the diversion and continued provision of a public right of way around the southern edge of the quarry is not directly affected by the proposals for the recycling and landfill development as the preceding quarry process will need to obtain the requisite diversion orders such that the three infill phases of the quarry (the proposed development) would follow from west to east. These works will have a visual impact on users of the right of way, as well as the noise impact referred to in paragraph 7.31, albeit a temporary one whilst the works take place. Furthermore, a hedgerow with trees is to be planted on the southern boundary of the site as required by Planning Permission C8/59/43/PA and this is included in the drawings submitted in respect of this application and listed to be approved in proposed Condition 3 as Infill Phase 1 to 3 plans 10132D/03/01C, 10132D/03/02B and 10132D/03/03B (dated 15 November 2019) and Restoration Scheme plan 10132D/04B (dated 12 February 2020).
- 7.67 It is therefore considered that the development has, and is making, provision to address the impact on the right of way as the footpath is being diverted rather than stopped up, and the soil bunds will provide screening of the works which will be supplemented by the planting of the hedgerow and ultimately by tree planting such that

there would not be an unacceptable impact in terms of disruption of the right of way during the development. Therefore, it is considered that the design of the development through maintaining the existence of the right of way, notwithstanding the development taking place, would ensure accordance with the principles of Selby District Core Strategy Local Plan Policies SP18 point 5 (protecting and enhancing public rights of way) and Policy SP19 part d) regarding promoting access and part f) by potentially supporting active lifestyles which would contribute to the health and social well-being of the local community. It would also not have an unacceptable impact in terms of disruption of the right of way during the development, thereby being also in accordance with 'Saved' Policy 4/20 (Open space, Recreation and Public Rights of Way) of the NYWLP. However, in order to secure this it is considered that the planning condition 17 to require the protection of the existing public right of way would ensure that the route is kept clear of any obstruction until any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Economic and social impacts, including employment

- 7.68 The relevant policies for this section are Policy SP13 of the Selby District Core Strategy Local Plan and 'saved' Policy EMP9 of the Selby District Local Plan (Expansion of existing employment uses in the countryside) and Policy W11 of the emerging MWJP regarding (new waste site identification principles).
- 7.69 The Quarry currently directly employs six people and up to 6 extra people would be employed if this development were to be permitted. Policy SP13 supports developing the local economy and development that brings sustainable economic growth through local employment opportunities or expansion of businesses in rural areas, including redeveloping existing employment sites, provided the development is sustainable, appropriate in scale and type to its location, not harm the area's character, and give a good standard of amenity. 'Saved' Policy EMP9 also supports expansion provided highway safety is not prejudiced, local amenity and the area's character and appearance not significantly adversely effected of the area, or harm to nature conservation interests. It also supports a high standard of design and landscaping, well related to existing development and well screened and/or landscaped. Policy W11 also gives similar support with regard to this type of location including where it can be demonstrated that co-locational benefits would arise taking into account existing quarry use or proposed use which would be the recycling of waste and the provision of material for use in the restoration of the site.
- 7.70 It is considered that in accordance with NPPF paragraph 80, the development would provide a local employment opportunity and expansion of an existing business in a rural area, and would be sustainable, appropriate in scale and type to the location, not harm the character of the area and be operated such as to provide a good standard of amenity. It would provide co-locational benefits regarding recycling and supply of material for use in restoration. Furthermore, as described in paragraphs 7.54 to 7.56 in respect to highway matters the proposals would not prejudice highway safety. It is therefore in accordance with the economic principles sought within Policy SP13 of the Selby District Core Strategy Local Plan, 'saved' Policy EMP9 of the Selby District Local Plan and Policy W11 of the emerging MWJP.

Soils and agricultural land use

- 7.71 The relevant policies for this section are Policies SP18 (Protecting and Enhancing the Environment) and SP19 (Design Quality) of the Selby District Core Strategy Local Plan regarding protection of soil and preventing of unacceptable levels of soil pollution. NYWLP 'saved' Policies 4/7 Protection of Agricultural Land, 4/22 Site Restoration and 4/23 Aftercare are also relevant together with Policies D10 and D12 of the emerging MWJP as well as NPPF paragraphs 170 and 205.



- 7.72 All these policies involve elements relating to the protection of soil and preventing of unacceptable levels of soil pollution. As identified in Section 2.0, the area of the quarry site is classified as being of Grade 2 agricultural land quality. Therefore, given that parts of the quarry have yet to be extracted and therefore the covering soil removed and placed into storage; plus some soil is already in storage in readiness for use in restoration it is important that the soil is handled appropriately and saved for use in restoration. This is already a requirement of the quarrying planning permissions C8/59/43/PA and C8/2017/1230/CPO. Paragraph 3.1 of the supporting statement states that the scheme of working conditioned within these two quarry permissions will be carried out, with the surface soils stripped and stored within the soil mounds identified on drawings 10132D/03/1C, 10132D/03/2B and 10132D/3/3B. These drawings are specified in Condition 1 below which will meet the soil protection and pollution control requirements of Policies SP18, SP19 and D12 and the proposed development will conserve and manage on-site soil resources in a sustainable way for use in restoration.
- 7.73 Therefore, the consideration of need, alternative opportunities of non-agricultural land or on below grade 3a land with regard to NYWLP 'saved' Policy 4/7 is not applicable as planning permission for development on the best and most versatile land, in the form of quarrying, has already been granted and is in the process of being implemented. Hence the requirements of parts i-iv of Policy 4/7 do not apply as the waste development would not be undertaken on best and most versatile agricultural land that is, or would be, in situ when the development, if permitted, commences. However, Policy 4/7 is relevant insofar as it requires that development will only be permitted where provision is such that an agricultural afteruse will be achieved to a high standard of restoration. It is considered that the proposed conditions 14 and 16 will ensure that the high standard requirement for the development and its long-term use is secured.
- 7.74 It is therefore considered that the development is in accordance with the requirements of Policies SP18 and SP19 of the Selby District Core Strategy Local Plan and NYWLP 'saved' Policies 4/22 and 4/23 and emerging MJWP Policies D10 and D12 as well as NPPF paragraphs 170 and 205.

#### Restoration and Aftercare

- 7.75 The relevant policies for this section are NYWLP 'saved' Policies: 4/1 (Waste Management Proposals part f), 4/7 (Protection of Agricultural Land), 4/21 (Progressive restoration), 4/22 (Site Restoration) and Policy 4/23 (aftercare). Plus emerging Policy D10 Part 1 and Policy SP18 point 3 of the Selby District Core Strategy Local Plan in regards to reclamation and aftercare.
- 7.76 As described paragraphs 3.9 – 3.12 above, the proposals to promote the restoration and aftercare of the quarry site following the proposed waste development, include works such as ripping the surface to assist drainage, subsoiling and stone picking and seeding/planting in accordance with an agreed aftercare strategy. These are actions that are intended to ensure that the site will be restored to a high quality and receive subsequent aftercare and management to enable the conservation afteruse of the relevant parts of the site to be achieved and likewise a high quality agricultural afteruse to be safeguarded during restoration and achieved. The submission of a detailed restoration and aftercare scheme for the whole quarry would be secured by condition 16.
- 7.77 It is therefore considered that the development is in accordance with the requirements of 'saved' NYWLP Policies 4/1(f) and 4/7 for the future protection of the agricultural potential of the site. It would also be in accordance with 'saved' NYWLP Policies 4/21 and 4/22 and Policy SP18 point 3 of the Selby District Core Strategy Local Plan through the establishment of the limestone grassland which would contribute to habitat targets

in the biodiversity strategies including a local Biodiversity Action Plan and to enhance the character of the local environment. It is also in accordance with the aftercare requirement of 'saved' NYWLP Policy 4/23 and with emerging MWJP Policy D10 Part 1 in regards to reclamation and aftercare.

Consideration of Alternatives, Cumulative impacts and Climate Change

- 7.78 The relevant policies to this section are NYWLP 'Saved' Policy 4/1 (criterion d and j) and emerging MWJP Policies D02 and D11 that there would not be an unacceptable cumulative impact on the local area. Policy SP15 (Sustainable Development and Climate Change) of the Selby District Core Strategy Local Plan, specifically Part B is relevant because it seeks to ensure development contributes towards reducing carbon emissions and is resilient to the effects of climate change, by encouraging the design and layout of a proposal to protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise that adapt to and help mitigate climate change include with habitat creation in landscaping schemes. Paragraph 148 of the NPPF states the planning system should support the transition to a low carbon future in a changing climate, including encouraging the reuse of existing resources.. The NPPF also makes clear in paragraphs 150, 170 and 180 that the cumulative effects of pollution on the natural environment or general amenity including noise, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account, and limited and mitigated where necessary.
- 7.79 As stated in paragraph 7.12 it is considered that the facility would be geographically well located to source of the CD&E waste arising from York, Selby and for the eastern parts of the West Yorkshire districts of Leeds and Wakefield and it would will therefore accord with the proximity principle particularly the recycling element of the development and provide an alternative option to the material being taken to Barnsdale Bar or Went Edge at Kirk Smeaton in accordance with NYWLP 'Saved' Policy 4/1 (criterion j). The proposed high proportion of the waste material delivered to the site to be recycling will contribute to the minimisation of waste being deposit as landfill within the site, which is considered to be in spirit with the aims of emerging MWJP Policy D11 Part 1 ii) and NPPF paragraph 148.
- 7.80 NPPF paragraph 109 confirms that development should only be prevented or refused on highways grounds, where there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe. There are no material considerations that indicate the capacity of the B1222, A63 and the A1(M) cannot adequately accommodate the proposal, including in combination with the quarry operation at the site, that the development should be prevented on highway grounds. The proposed routing via the mechanism of the Section 106 will ensure that residual cumulative impacts of the development in the vicinity of the site such as in the direction of Newthorpe and Sherburn in Elmet are mitigated and are not severe. The development will control and avoid cumulative impacts arising because of the development on the highway in accordance with the requirements of NYWLP 'Saved' Policy 4/1 (criterion d), 'saved' Policy T1 of the Selby District Local Plan and with Part 1 of emerging Policy D02 of the MWJP
- 7.81 Likewise, the site development design, subject to the proposed conditions regarding hours of operation, dust, noise and visual intrusion, has not caused consultees to raise concerns that there would be cumulative impacts on amenity arising as a result of the development. Amenity impacts would be avoided and controlled in accordance with Policy D02 Part 1 and NYWLP 'Saved' Policy 4/1 (criterion d). The creation of the limestone grassland and retention of cliff faces will contribute to the mitigation of climate change as sought by Policy SP15 of the Selby District Core Strategy Local Plan by increasing the availability of these habitats in this location. The inclusion of recycling of waste within the development will contribute to putting that material to a

positive end use rather than it being deposited in landfill which will contribute to the aims of NPPF paragraphs 150, 151, 170 and 180.

- 7.82 The implementation of the sustainable drainage system will minimise flood risk as required by emerging MWJP Policy D11 Part 1 v) and the landscape planting with native species will assist in the site restoration successfully adapt to climate change and included areas of new wildlife habitat that would help improve habitat connectivity in as sought by Policy D11 Part 1 viii).
- 7.83 It is therefore considered that the development is in accordance with the requirements of NYWLP 'Saved' Policy 4/1 (criterion d and j); Policy SP15 of the Selby District Core Strategy Local Plan, 'saved' Policy T1 of the Selby District Local Plan and with Part 1 of emerging Policy D02 and Part 1 v) and viii) of Policy D11 of the emerging MWJP as well as paragraph 148 of the NPPF.

## 8.0 Conclusion

- 8.1 As referred earlier within this report, under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting position for the determination of this planning application must be the 'Development Plan'. The decision must be made in accordance with the extant policies of that plan, unless there are material considerations, including any impacts upon interests of acknowledged importance that would indicate that planning permission should not be forthcoming. The assessment of material considerations within the overall 'planning balance' has been conveyed within Section 7.0 above.
- 8.2 There are a range of policies in the '*Development Plan*' to which due regard must be had, as well as a number of other material considerations. In considering the relationship of the proposal to the '*Development Plan*', Members should note that proposal should be judged against the '*Development Plan*' as a whole rather than against individual policies in isolation and acknowledge that it is not necessary for proposals to comply with all policies to be found compliant. Members will also need to bear in mind, as set out in Section 6.0, the relative weight to be attached to the policies in the '*Development Plan*' relevant to this proposal against that which is laid down within national planning policy.
- 8.3 Following the considerations set out in Section 7.0 above, it is considered that the proposal complies with the development plan as following:
1. North Yorkshire Waste Local Plan (2006) 'saved' Policies: 4/1 regarding the acceptability of the overall proposal; 4/3 regarding landscape impact; 4/7 regarding protection of the landscape; 4/10 in respect of the local site of importance for nature conservation; 4/16 regarding the impact on archaeological sites; 4/18 traffic impact; 4/19 impact on quality of life (local environment and residential amenity); 4/20 regarding the potential impact on the Public Right of Way; 4/21 progressive restoration; 4/22 site restoration; 4/23 aftercare; 5/7 in respect of facilities for the recycling of construction and demolition wastes; 6/1 landfill of a mineral void.
  2. The emerging Minerals and Waste Joint Plan Policies: M11 supply of alternatives to land-won aggregates; W01 moving waste up the waste hierarchy; W05 waste management capacity requirements for construction, demolition and excavation waste; W10 locational principles for waste capacity provision; W11 waste site identification principles; D01 presumption in favour of sustainable minerals and waste development; D02 local amenity and cumulative impacts; D03 transport of minerals and waste and associated traffic impacts; Policy D05 Part 2) vi) landfill of quarry voids including for the purposes of quarry reclamation and where the site would be restored an afteruse

compatible with the purposes of Green Belt designation; D06 landscape; D07 in respect of biodiversity; D08 historic environment; D09 water environment; D10 reclamation and afteruse; D11 sustainable design, construction and operation of development and D12 protection of agricultural land and soils.

3. Selby District Core Strategy Local Plan (2013) Policies: SP1 presumption in favour of sustainable development; SP2 spatial development strategy; SP3 Green Belt as it is considered that very special circumstances exist that outweigh any harm to the Green Belt; SP13 scale and distribution of economic growth; SP15 sustainable development and climate change; SP18 protecting and enhancing the environment and SP19 design quality
  4. Selby District Local Plan (2005) 'saved' Policies: Policy EMP9 of the Selby District Local Plan regarding the expansion of existing employment uses in the countryside; ENV1 regarding control of development; ENV2 environmental pollution and contaminated land; ENV3 light pollution; ENV9 sites of importance for nature conservation; ENV15 conservation and enhancement of locally important landscape area; ENV27 expansion of existing employment uses in the countryside; T1 regarding the highway network and T2 access to roads.
- 8.4 As described in paragraph 7.20 above a waste development at Newthorpe Quarry is not new as landfilling occurred during the parts of 1970s and 1980s. However, that use has not occurred for more than 25 years and so has been considered in the light of the circumstances of the site and the locality and the current planning policies at the time of making this decision regarding the application. Nonetheless, the development would contribute to the local economy and would come within the scope of the types of development coming within Policy SP13 part C2 of the Selby District Core Strategy Local Plan. Sites located in appropriate locations for the movement of waste up the hierarchy are supported by the NPPW and the proposal intends that the emphasis of the new development will be on the movement of waste up the waste hierarchy through a high percentage of recycling of the imported construction, demolition and engineering material. The use of the residual waste as landfill will be beneficial enabling a restoration of the quarry void and slopes this is an enhancement upon the previously permitted restoration scheme for the quarry and would be sustainable in terms of MWJP Policies W01 and D01.
- 8.5 There is though a planning balance to judge between the contribution of the development to waste management especially recycling and the following impacts. The site is located within the Green Belt. However, the proposed development does not conflict with the purposes identified in NPPF paragraph 134 a) and b) as it would not represent a sprawl of a large built-up area, and it would not result in towns or villages merging into one. There is unlikely to be a significant impact on any special character or setting of any historic town that would conflict with the purposes of the land being within the Green Belt in terms of NPPF 134 d); and the site does not undermine the inclusion within the Green Belt of any land for urban regeneration. It is also not considered that the development conflicts with NPPF paragraph 133 as whilst change will occur on site, including with changes to the shape of the quarry landform that has been developed over the past over 100 years and that contributes to the present openness of the Green Belt, the proposal is that the development would be completed within a shorter time (2035) than that currently permitted for completion of the quarry (2042), and, subsequently through aftercare of the site the development would blend into and enhance the locality and the Smeaton Ridge Locally Important Landscape Area which would be acceptable in planning terms in respect of 'saved' Policy ENV15 of the Selby District Local Plan because very special circumstances exist as a result of the identification of the potential capacity gap for the recycling and landfill of CD&E waste towards the later part of the Plan period within the emerging MWJP Policy W05. The proposed development would contribute in the relevant period to meeting that gap. Hence, it is considered as these very special circumstances exist, these are such that the built element of this application, which would without that

represent inappropriate development, is through its facilitating of the process of the recycling and landfill therefore not in conflict with Selby District Core Strategy Local Plan Policy SP2 part (d), or Policy SP3, nor with emerging MWJP Policy D05 Part 2) iii) and vi)..

- 8.6 The development will be next to a Scheduled Ancient Monument, but the existing quarry operation with planning permission until 2042 is also adjacent. The enhanced restoration of the quarry through this development will not create an unacceptable adverse impact because it will blend the quarry into the landscape setting of the Scheduled Monument which has not been the case since the early 19<sup>th</sup> century which would be acceptable in planning terms in respect of emerging MWJP Policy D08. Furthermore, the development would also assist biodiversity through the restoration compensating for the past and current impacts upon calcareous habitats within the quarry including the calcareous grassland of the previously designated Site of Importance for Nature Conservation (SINC) which would be acceptable with respect to Selby District Core Strategy Local Plan Policy SP18, 'saved' NYWLP Policy 4/10, Selby District Local Plan 'saved' Policy ENV9 and emerging MWJP Policy D07 Parts 1 and 5).
- 8.7 The proposal would be acceptable in planning terms with regard to 'saved' Policy 4/18 of the North Yorkshire Waste Local Plan, 'saved' Policy ENV1 part 2, and 'saved' Policies T1 and T2 of the Selby Local Plan and the NPPF, including with regard to highway safety subject to outing of all HGV vehicles exiting the Site to head south on the B1222 (towards the A1 and A63); and subject to the completion of the Section 106 matter as discussed in Section 7 above.
- 8.8 Taking account of all the material considerations it is considered that on balance that the benefits of providing an additional facility within Selby District for the recycling of construction, demolition and excavation waste; and the enhancement to the restoration of the quarry void through the deposition of waste material to aid the landscaping of the site, outweigh the negative aspects associated with the development, and that very special circumstances exist as a result of the identification of the potential capacity gap for the recycling and landfill of CD&E waste towards the later part of the Minerals and Waste Plan period within the emerging Policy W05 .that outweigh the development being inappropriate in the Green Belt. Amenity safeguards can be put in place via planning conditions and an obligation to ensure that the intensity of any impacts, longevity and cumulative impact that the development would have on the amenities of local residents in the vicinity of the site, regarding hours of operation, noise or dust emission, visual impact and regarding traffic are effectively mitigated and controlled.

#### Obligations under the Equality Act 2010

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

#### Obligations under the Human Rights Act

- 8.10 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council

from acting in a manner that is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest. 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 interference with those rights, it is, on balance, in accordance with the law, necessary and in the public interest.

## **9.0 Recommendation**

9.1 For the following reason(s):

- i.) The development is in accordance with: 'saved' Policies 4/1, 4/3, 4/7, 4/10, 4/16, 4/18, 4/19, 4/20, 4/21, 4/22, 4/23, 5/7 and 6/1 of the North Yorkshire Waste Local Plan (2006); with draft Policies M11, W01, W05, W10, W11, D01, D02, D03, D06, D07, D08, D09, D10, D11 and D12 of the Minerals and Waste Joint Plan; with Policies SP1, SP2, SP3, SP13, SP15, SP18 and SP19 of the Selby District Core Strategy (2013) and with 'saved' policies ENV1, ENV2, ENV3, ENV9, ENV15, ENV27, EMP9, T1 and T2 of the Selby District Local Plan (2005) and is consistent with the NPPF (2019).
- ii.) The proposal does not conflict with the abovementioned policies as it is considered that the highway network is capable of handling the volume of traffic anticipated to be generated by the development, the visual impact of the proposed development can be mitigated through conditions, the environmental impacts of the proposed development can be controlled by conditions; the impact on any neighbouring residential properties can be mitigated and any adverse impacts are outweighed when considered against the provision of a further facility for the recycling of construction, demolition and engineering waste within Selby District and scope to enhance restoration of the site and there are no other material considerations indicating a refusal in the public interest; and
- iii.) The imposition of planning conditions will further limit the impact of the development on the environment, residential amenity, the transport network and restoration and aftercare.

That, subject to the prior completion of a Section 106 Legal Agreement to secure:

- The routing of all HGV vehicles exiting the Site to head south on the B1222 (towards the A1 and A63); and
- That all HGV vehicles entering the Site do so by approaching the Site from the south and turning left into the Site.

**PLANNING PERMISSION BE GRANTED** subject to the following conditions:

**Conditions****COMMENCEMENT OF DEVELOPMENT**

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

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

2. No development shall take place on the application site until written notice has been given to the County Planning Authority of the date proposed for the commencement of the development.

*Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.*

3. The development hereby permitted shall be carried out in accordance with the application details dated 13 September 2019 and the following approved documents and drawings, together with the conditions attached to this Decision Notice that shall in all cases take precedence.

<b>Ref.</b>	<b>Date</b>	<b>Title</b>
10132A/Contents/CJB/171119	November 2019	Revised Supporting Statement, Environmental Assessment and Non-Technical Summary
10132D/01B	19 December 2019	Site Location Plan
10132D/02B	17 November 2019	Site Plan
10132D/03/1C	15 November 2019	Infill Phase 1
10132D/03/2B	15 November 2019	Infill Phase 2
10132D/03/3B	15 November 2019	Infill Phase 3
10132D/04B	12 February 2020	Restoration Scheme
10132D/05	14 November 2019	Planning History
10132D/06	17 November 2019	Cross-Sections
DUO18-032	6 December 2018	Wash Plant Layout

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

4. The permission hereby granted authorises the disposal of waste only until *12 years from the date of commencement*. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the scheme approved under Condition Number 15 before that date.

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

5. Within 8 weeks of the date of this permission the access road shown on Drawing No. 10132D/02B reference, and shall be completed in accordance with the requirements of

planning permission C8/59/41A/PA, including the surfacing of the road and the installation of wheel bath located as shown on Drawing No 10132B/04 dated 8 May 2017, the details of which were approved on 20 September 2017 via the application reference NY/2017/0135/A27. No other access shall be used in connection with this development.

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

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

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

7. The visibility splays and areas provided under the terms of drawing ref. 10132A/02C, dated 16 March 2017 shall be maintained clear of any obstruction and retained for their intended purpose at all times throughout the duration of operations at Newthorpe Quarry.

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

8. No tipping or waste processing or associated operations including the transport of waste to the site or recycling material from the site shall take place except between the hours between 07:00 hours and 18:00 hours on Monday to Friday and 07:00 hours and 13:00 hours on Saturdays. No tipping, processing or associated operations shall take place on Sundays, Bank or Public Holidays.

Reason: *In the interests of amenity.*

9. No plant, machinery or vehicles shall be used on site unless fitted with effective silencers appropriate to their specification.

Reason: *In the interests of amenity.*

10. The proposals hereby approved shall be carried out in accordance with the supporting Noise Assessment (ref: R.18.9298/4/AP) dated 10 October 2018 such that noise levels at sensitive receptors shall not exceed the background noise level ( $\text{dB}_{\text{LA}90,1\text{hr}}$ ) by more than 10 dB(A) subject to a maximum of  $55\text{dB}_{\text{LAeq},1\text{hr}}$  during normal operations, and during short-term operation shall not exceed  $70\text{dB}_{\text{LAeq},1\text{hr}}$  limited to a period not exceeding 8 weeks in a year.

Reason: *In the interests of amenity.*

11. Throughout the operational use of the application site, all lighting provision shall be detailed to only light those areas required and to minimise the amount of light emitted outside the operational area of the application site.

Reason: *In the interests of amenity and in the interest of openness of the Green Belt.*

12. Notwithstanding the provisions of Part 7 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other Order amending, revoking or re-enacting that Order), no plant or buildings (excluding mobile plant), shall be erected on the site without the prior grant of planning permission.

Reason: *To ensure the development takes place in accordance with the approved plans and conditions in the interest of openness of the Green Belt.*



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

*Reason: To ensure that the proposed development does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework 2019 and complies with the Environment Agency guidance 'Protect groundwater and prevent groundwater pollution' published 14 March 2017.*

14. Landscaping shall take place on a phased and progressive basis in accordance with the approved details set out in Condition 3 above. Any tree/shrub planted or habitat created in accordance with the approved schemes which dies or becomes diseased within five years of the date of planting or creation shall be replaced or recreated.

*Reason: To secure a good standard of progressive restoration in the interests of amenity and the location of the site within the Green Belt.*

15. Restoration of the site shall be undertaken in accordance with the recommendations set out in the Ecological Impact Assessment (August 2019) which forms Appendix ES3 of the Environmental Statement.

*Reason: To secure a good standard of progressive restoration in the interests of amenity and the location of the site within the Green Belt.*

16. Within 12 months of the commencement of tipping, a detailed restoration and aftercare scheme for the whole quarry regarding the proposed agricultural and amenity use shall be submitted for written approval of the County Planning Authority and in particular shall make provision for the enhancement of the nature conservation and landscape interest of the site. Such scheme shall include details of: (i) Proposed final contours, (ii) Phasing of restoration, (iii) Treatment of quarry faces, (iv) the spreading and cultivation of stored soils, (v) Drainage, (vi) Landscaping, fencing and maintenance of the restored site, (vii) Aftercare, (viii) A timetable for the implementation of the scheme, Thereafter, the scheme shall be implemented as approved.

*Reason: To secure a good standard of progressive restoration in the interests of amenity and the location of the site within the Green Belt.*

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

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

### **Informative: Standing Advice from the Coal Authority**

#### **Development Low Risk Area – Standing Advice**

*The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.*

*Further information is also available on the Coal Authority website at:*

*[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)*

*Standing Advice valid from 1<sup>st</sup> January 2019 until 31<sup>st</sup> December 2020*

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

*In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose not to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.*

K BATTERSBY

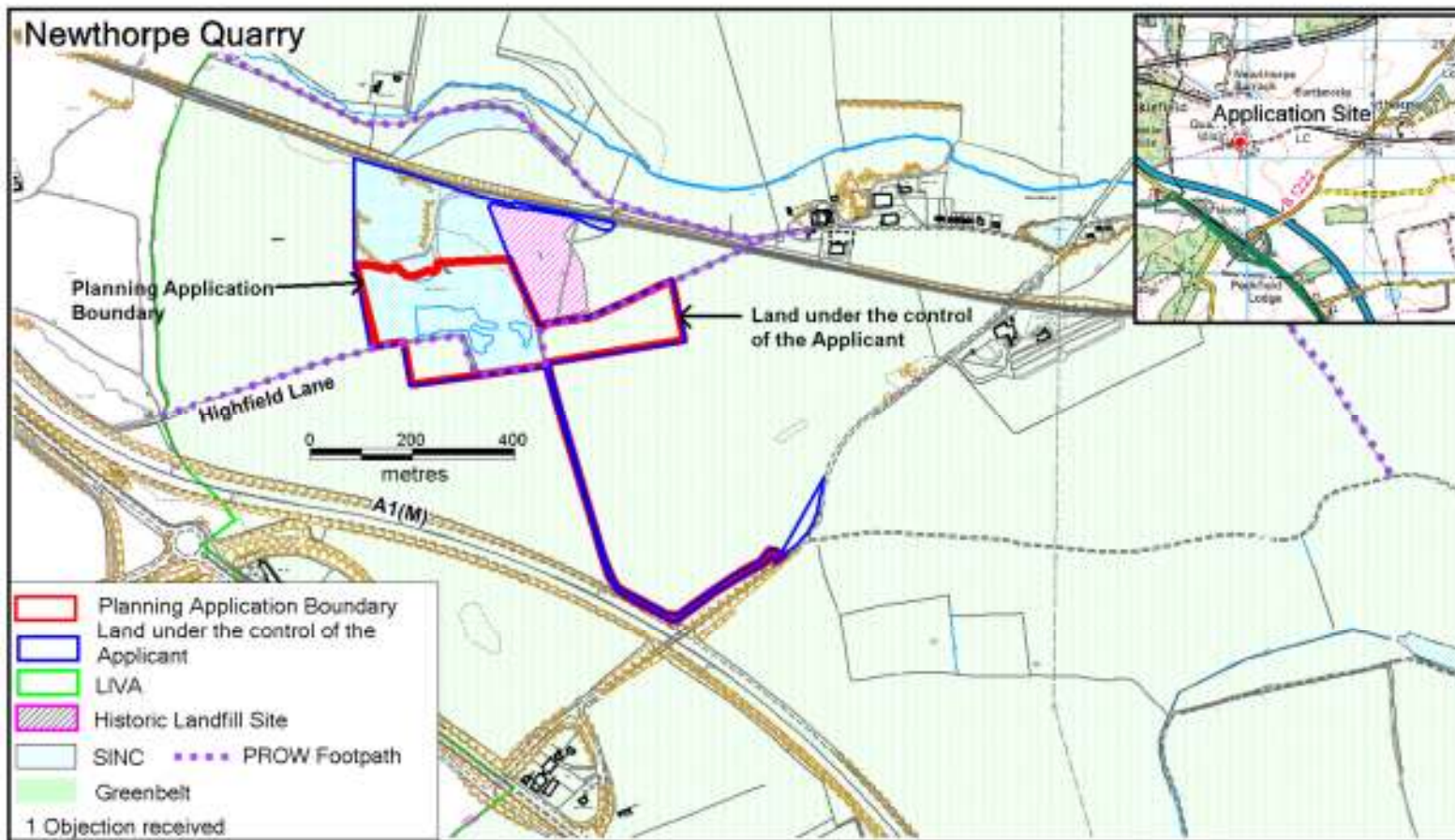
Corporate Director, Business and Environmental Services  
Growth, Planning and Trading Standards

Background Documents to this Report:

1. Planning Application Ref Number: C8/2019/01271/CPO (NY/2019/0165/ENV) registered as valid on 28 November 2019. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Rachel Pillar

APPENDIX A – CONSTRAINTS



Application No : C8/2019/1271/CPO

Title: Waste recycling and restoration by infill at Newthorpe Quarry, North Yorkshire



Business & Environmental Services,  
North Yorkshire County Council  
County Hall, Northallerton,  
North Yorkshire. DL7 8AH

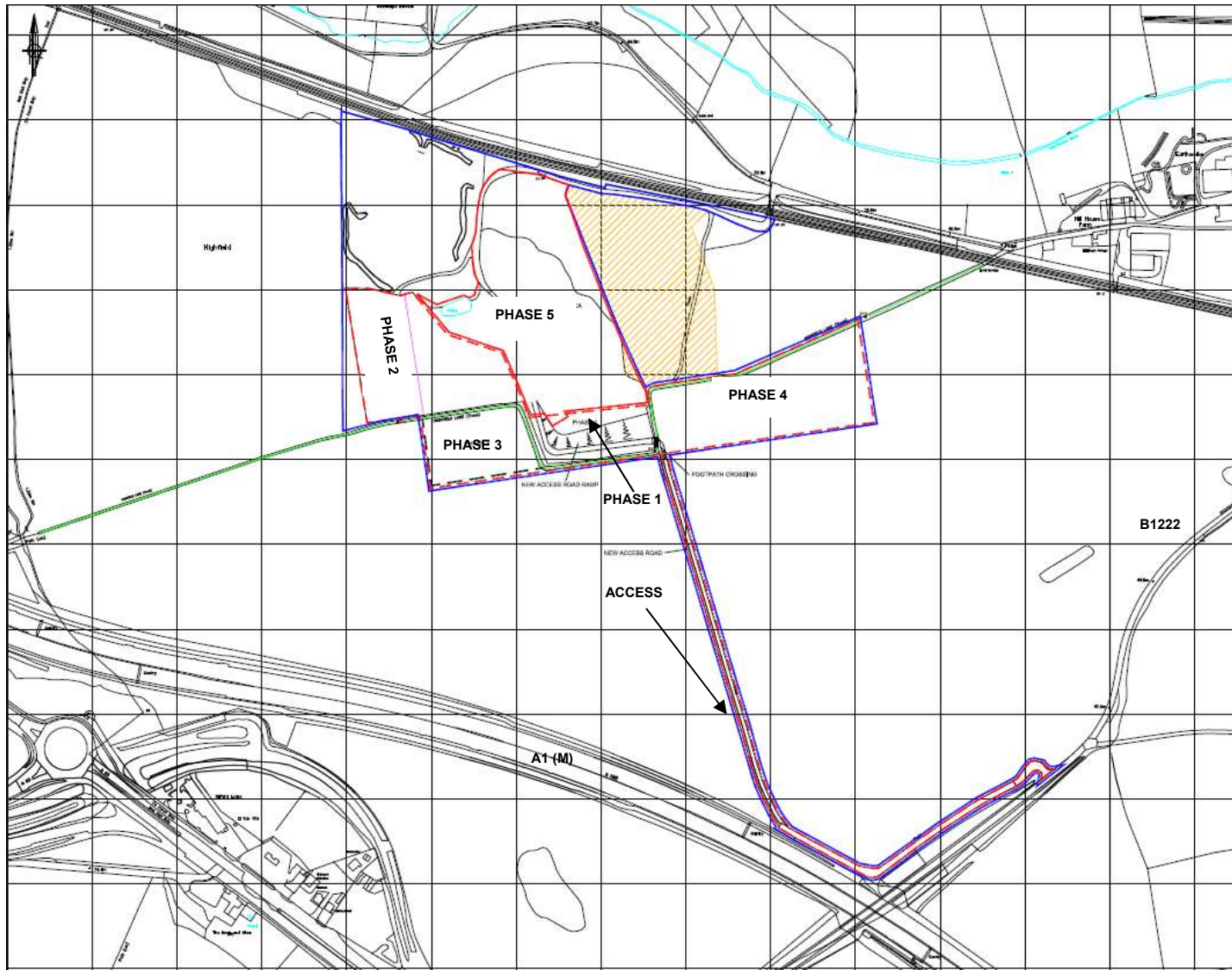
Scale: 1:10,000  
Date: Newthorpe  
Filename: RP/JB

© Crown copyright. All rights reserved. North Yorkshire County Council. 100017946 2020. Compilation & Analysis:

APPENDIX B – AERIAL PHOTO



APPENDIX C – EXISTING QUARRY SITE PHASING



APPENDIX D – APPLICATION SITE



APPENDIX E – INFILL PHASE 1



APPENDIX F – INFILL PHASE 2

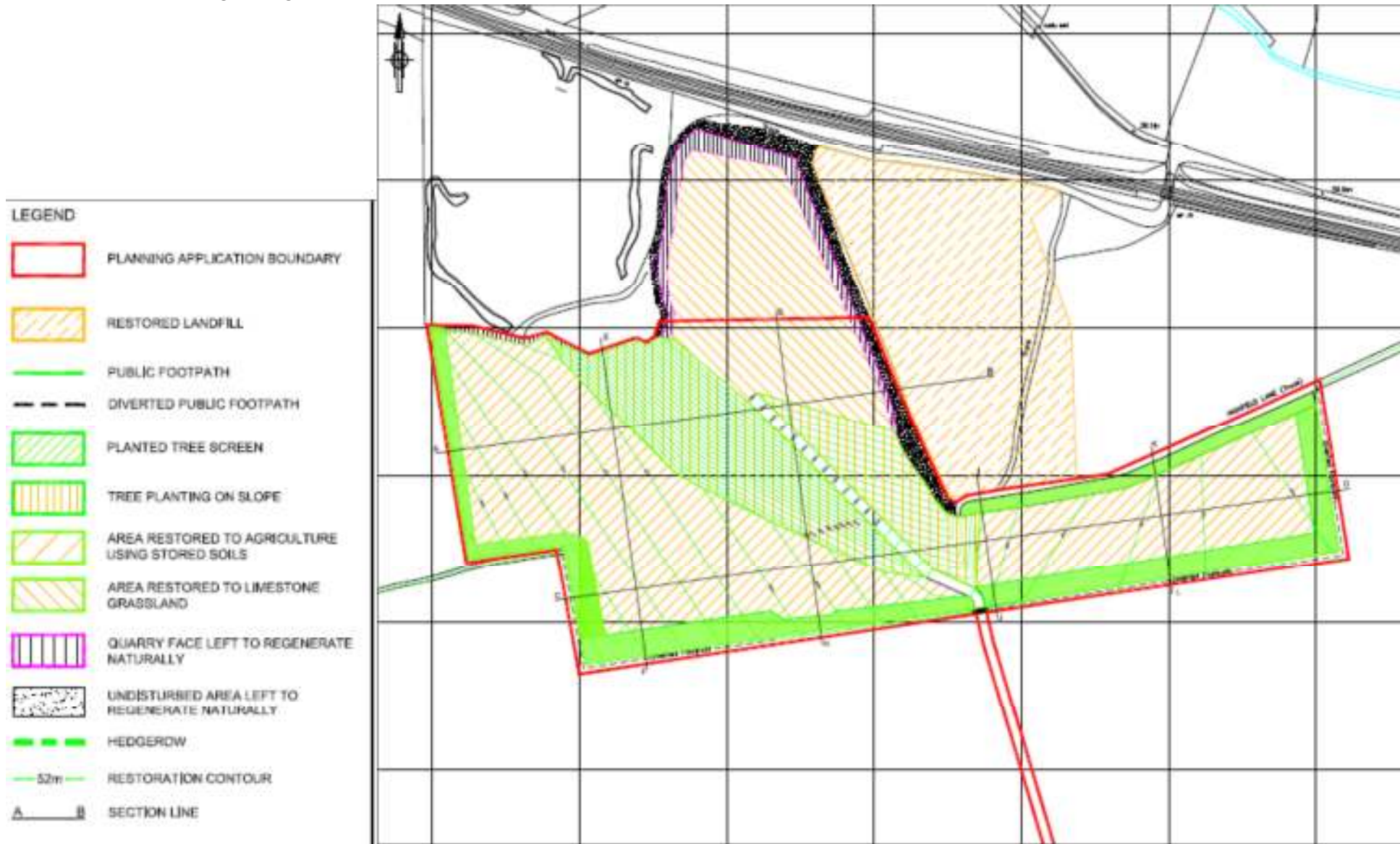




APPENDIX G – INFILL PHASE 3



APPENDIX H – RESTORATION PLAN



APPENDIX I – CROSS-SECTIONS

