

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

**DATE OF COMMITTEE: 10 DECEMBER 2024**

**C8/2022/1115/CPO REMOVAL OF CONDITION NO.7 OF PLANNING PERMISSION REF.  
C8/2009/1066/CPO TO ALLOW BLASTING IN THE SOUTHERN EXTENSION AREA  
LAND TO THE SOUTH OF EXISTING QUARRY, JACKDAW CRAG QUARRY, MOOR  
LANE, SUTTON, TADCASTER, LS24 9BE  
ON BEHALF OF DARRINGTON QUARRIES LTD**

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

**1.0 Purpose of the report**

- 1.1 To determine a planning application for removal of condition No.7 of Planning Permission Ref. C8/2009/1066/CPO to allow blasting in the southern extension area on land to the south of existing quarry, Jackdaw Crag Quarry, Moor Lane, Sutton, Tadcaster, LS24 9BE.
- 1.2 This application is subject to objections having been raised primarily on the grounds of disturbance to amenity due to blasting and is, therefore, reported to this Committee for determination.

**2.0 SUMMARY**

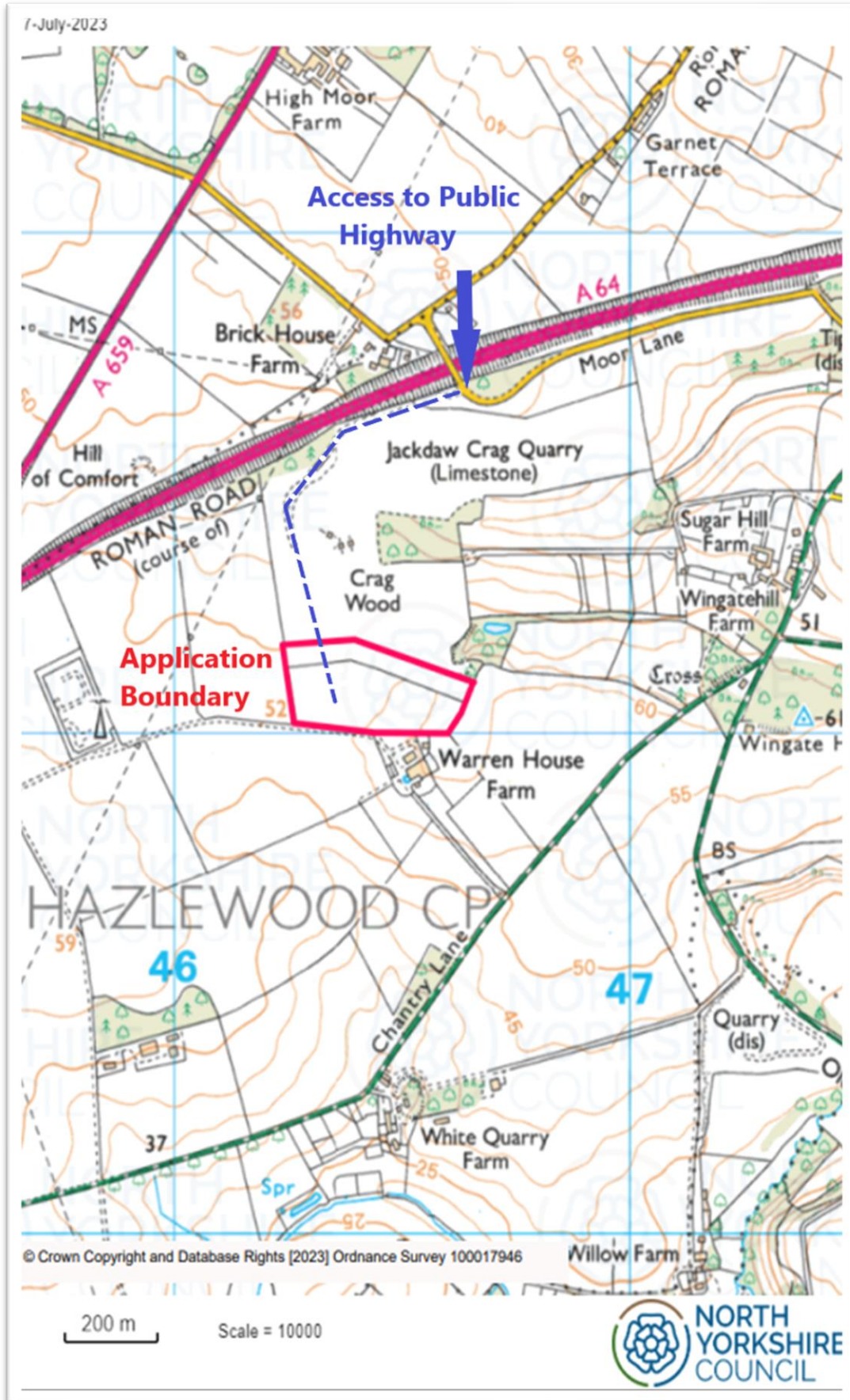
**RECOMMENDATION: That planning permission be GRANTED subject to conditions and prior completion of a deed of variation.**

- 2.1. The application seeks permission for the use of blasting in the Southern extension of Jackdaw Crag Quarry, to aid the extraction of hard and consolidated rock. The application site is in the southern section of Jackdaw Crag Quarry. It is located approximately 1.5 km southwest of Tadcaster and 600 metres west of Stutton, North Yorkshire. The A1(M) motorway lies to the west and the A64 trunk road runs along the northern boundary, with the existing quarry entrance/exit west of Moor Lane.
- 2.2. The previous permission did not apply for blasting and in the previous application the applicant stated blasting would not take place in this southern extension to the quarry. The permission included condition 7 preventing blasting with the reason being the impacts on residential amenity. The previous application did not include any information in relation to whether blasting would or would not be acceptable and it was not considered in the previous report whether this method of extraction was appropriate. The current application to remove condition 7 includes information to support the applicant's view that blasting should now be deemed acceptable in the southern extension area including vibration assessments on the impact of blasting.
- 2.3. The proposal to remove condition 7 has been assessed by officers to be acceptable for the efficient extraction of Magnesian Limestone from the Southern extension of Jackdaw Crag Quarry. Without the removal of this condition the hard and

consolidated rock, which makes up part of the site would be unable to be extracted and the full mineral reserve within the approved extraction area would therefore not be able to be extracted. The current proposal would enable the full minerals reserve to be extracted with the site continuing to contribute the 6.9 million tonnes of crushed rock allocated in the Minerals and Waste Joint Plan (MWJP).

- 2.4. The most pertinent issues arising from the proposal to remove Condition 7 of the extant permission are the effects caused as a result of blasting on residential amenity and the natural environment, which includes vibration, airborne dust from the blast and simultaneous noise due to the use of explosive charges. Through the use of appropriate conditions these effects would be minimised and managed. The proposal is considered in compliance with Policy M09, D02, D14 of the MWJP and Policy SP15, SP18 and SP19 of the Selby District Core Strategy (2013), ENV2 of the saved Selby Local Plan and policies NE7, NE8 and SG9 of the Selby Emerging Development plan. In relation to the application the Environmental Health Officer does not *object* to the proposed development as they consider blasting can be sufficiently controlled through conditions. The proposal is therefore considered acceptable in the planning balance as the minimal impacts from blasting are outweighed due to the need for the extraction of the magnesian limestone from the existing quarry site with an extant permission.
- 2.5. It is considered that the proposed development, with conditions 6-11 specifically in relation to blasting would give sufficient control of the blasting operations on site and allow for the safe extraction of the full minerals reserve. The conditions limit the impact and offer robust mitigation for the area including Draft Condition 6 (Limitations on Vibration levels), Draft Condition 7 (Frequency of Blasting), Draft Condition 8 (Hours of Blasting), Draft Condition 9 (Test Blast), Draft Condition 10 (Notification of Blasting) and Draft Condition 11 (Monitoring of Blasting). The proposal is considered acceptable, and approval is recommended subject to conditions and the prior completion of a deed of variation of the existing S106 agreement. The Deed of variation is to update the reference numbers in the existing S106 which provides for a detailed restoration and management plan and lorry routing agreement, which would be carried forward to any new permission.

**Committee Plan**



### **3.0 Preliminary Matters**

- 3.1. The following list outlines the site's most relevant planning history:
- 3.2. C8/70/16B/PA - Extension of existing quarry and retention of processing plant, dated 15 February 1991. This permission has been approved and implemented.
- 3.3. C8/70/16D/PA - Modification of Condition 3 of Planning Permission C8/70/16B/PA for the extension of existing quarry, which was in regard to landscape and restoration of the site, dated 31 March 2004. This permission has been approved and implemented.
- 3.4. C8/.2014/0129/CPO – An application was received to carry out development without complying with Condition No. 2 of Planning Permission reference C8/70/16D/PA dated 31 March 2004, to allow extraction operations to continue until February 2016– Decision 03.02.2016. This permission has been approved and implemented.
- 3.5. C8/2009/1066/CPO – An application was received for a southerly extension to the existing Jackdaw Crag Quarry. This application was accompanied by an Environmental Statement. – Decision 22.09.2016. This application has been approved and the permission has been implemented.
- 3.6. C8/2016/0186/CPO– An application was received for the variation of condition No. 2 of planning permission ref. C8/2014/0129/CPO dated 3 February 2016 to allow for the continuation of extraction of magnesian limestone until 14<sup>th</sup> February 2017 – Decision 15.08.2016. This application has been approved and the permission has been implemented.
- 3.7. C8/2021/0632/CPO – An application was received for the approval of details reserved by condition No's 3, 8, 11, 12, 13, 18, 19, 29 & 31 of Planning Permission Ref. No. C8/2009/1066/CPO which relates to details of schemes for the storage of materials, method of working, phasing of development and road and wheel cleaning facilities, a scheme which details the control of noise from Heavy Good Vehicles (HGV's) and fixed plant, a noise management plan, a scheme to deal with the management of risk associated with contamination of controlled waters, a verification report, a monitoring scheme for the monitoring of groundwater levels, a scheme for the management of surface and foul waters, a pre-commencement badger survey and a scheme detailing the provision of on-site parking/waiting for HGV's– Decision 30.07.2021. This application has been approved and the permission has been implemented.
- 3.8. C8/2021/1374/CPO – A retrospective planning application was received for the erection of a substation, switchgear container and associated electrical infrastructure on behalf of FCC Environment – Decision 31.01.2022. This application has been approved and the permission has been implemented.
- 3.9. NY/2022/0074/SCR – An application was received to request a formal Screening Opinion in respect of an application to not comply with Condition 7 (Blasting) of planning permission C8/2009/1066/CPO within the southern extension area. It was determined that the quarry required an Environmental Statement. Decision 21.04.2022. In reference to the above application request for a screening opinion (NY/2022/0074/SCR), it should be noted that the screening application determined

that the quarry required an Environmental Statement. However, an Environmental Impact Assessment (EIA) Screening Direction issued by the Secretary of State on the 23 June 2022 confirmed that the Proposed Development is not EIA Development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having considered the screening opinion (NY/2022/0074/SCR) and the Screening Direction issued by the Secretary of State, it is not considered that there are any significant environmental impacts in regard to the application or any further material considerations which have not been covered in the application supporting documents.

- 3.10. Access to the case file for the application currently under consideration can be found here: <https://onlineplanningregister.northyorks.gov.uk/Register/Planning/Display/NY/2022/0198/73#undefined>

#### **4.0 Site and Surroundings**

- 4.1. The application site relates to the southern section of Jackdaw Crag Quarry which is a well-established magnesian limestone quarry operated by Darrington Quarries Ltd. The quarry is located approximately 1.5 kilometres to the southwest of Tadcaster and approximately 600 metres to the west of the village of Stutton, North Yorkshire. The A1(M) motorway is located to the west of the quarry and the A64, a trunk road, runs along the northern boundary of the quarry site. The entrance/exit point to the existing quarry site is located to the west of Moor Lane. Site operations to prepare for the extraction of mineral commenced at the southern extension of the quarry in November 2016 which included stripping soil from the site, which was placed in bunds ready for extraction to commence. After this was completed, operations did not re-commence until June 2021, this was due to a legal challenge in relation to the previous permission.
- 4.2. The surrounding landscape is characterised by a mixture of open arable fields within a rolling landscape, scattered by various woods and copses, including 'Crag Wood,' which lies adjacent to the south-western boundary of the application site. Crag Wood is also locally classified as a Site of Importance for Nature Conservation (SINC) but it is not formally designated Ancient Woodland. A high-pressure gas pipeline, operated by National Gas Networks, crossed under the site in a west to east direction, within the application area. Its removal and subsequent capping with the pipe now sealed at either end of the site carried out in February 2022, means that the pipeline is now decommissioned at grid references X:446253.720 Y:441123.137 and X:446638.267 Y:441052.815, with the remaining pipeline section between Towton and Cawood Above Ground Installations remaining in a serviceable and pressurised condition. This has also been confirmed as decommissioned following consultation with National Gas Transmission, the response being received on the 24 July 2024.
- 4.3. In addition to the decommissioned gas pipe there are underground cables positioned parallel to the northern border and midway towards the left of the southern border, as well as an overhead cable located outside the eastern border of the site which is illustrated in the plan titled 'Jackdaw Crag Quarry Northern PowerGrid Locations' available on the planning register.

- 4.4. The quarry is located within the West Yorkshire Green Belt and is also within land designated as a Locally Important Landscape Area, as identified in the Selby Core Strategy (2013). The Stutton Ings Site of Special Scientific Interest (SSSI) is situated circa 1.5km southeast of the quarry site. There are no other local, national, or international designations on the basis of ecological or landscape interests in the surrounding area, however there is a Grade II listed Milestone approximately 0.25 miles from Junction with Sutton Lane.
- 4.5. There are several properties located around the application site. The closest property is Warren Cottage 25 metres to the south of the site. To the north is Brick House Farm (630 metres), Sugar Hill Farm (700 metres) north east and the Old School house to the east (615 metres). Views from these properties into the site are partly screened by fields, hedgerows, trees and plantations.
- 4.6. The site lies within Flood Zone 1 with a low probability of flooding. According to the Environment Agency, the site is located within Category 1, 2 and 3 groundwater Source Protection Zones.
- 4.7. A simplified diagrammatic outline of the current working status of the site can be found within Appendix B attached to this report. The green outline on the plan attached as Appendix B signifies the area, which is pending stripping, while the yellow area is presently worked in multiple benches by a mechanical excavator, which are the stepped levels of the quarry being worked to access the mineral in a safe manner.

## **5.0 Description of Proposal**

- 5.1. Planning permission is sought under Section 73 of the Town and Country Planning Act 1990 for the removal of condition No.7 of Planning Permission Ref. C8/2009/1066/CPO to allow blasting in the southern extension area on land to the south of the existing quarry at Jackdaw Crag Quarry, Moor Lane, Sutton, Tadcaster on behalf of Darrington Quarries Ltd. Condition No.7 'Limitations of Blasting' reads as follows: 7. No Blasting shall be undertaken on site. Reason: In order to protect the amenities of residents.
- 5.2. Jackdaw Crag quarry had utilised blasting to aid the extraction and splitting of magnesian limestone; however, this method of extraction was not permitted within the southern extension of the quarry under the most recent extant permission with the reason for the condition being due to the impacts on residential amenity. The applicant has now provided information which they submit shows that blasting can be completed safely, considering noise, vibration and air quality.
- 5.3. The southern extension of Jackdaw Crag Quarry was not considered in terms of blasting when it was determined. In the original application C8/2009/1066/CPO there was no detail on why blasting was not proposed with the only information being in paragraph 3.6 of the Supporting Statement confirming "*there would be no blasting in the extension area*". Previous to this in the Screening opinion request, which is included in the ES\_Addendum\_2015\_Appendices (page 180) submitted with C8/2009/1066/CPO, stated blasting ceased in the existing site due to the vibration

effects on the gas pipeline in the southern area and due to this cease in blasting there would be a benefit to residential amenity. Although the extant permission did not consider blasting, with no information submitted stating whether there would or would not be an impact from blasting, a condition was added to prohibit blasting. The presence of the gas pipeline and its associated safety risks were not at the time mentioned as a consideration and were not included as the condition reasoning.

- 5.4. As the operations progress in the yellow area shown in Appendix B in this zone, certain areas of the lowest ground level for extraction at the quarry are stated to be proving difficult to excavate and would require blasting to aid extraction. The red area on Appendix B has been excavated to a level where blasting is now stated by the applicant to be necessary. In the inset cross-section found at the bottom right of Appendix B representing the line between A and B, the segments between the green and blue lines indicate areas of variable geology where some blasting would be required, and below the blue line, blasting would also be required. If permission were forthcoming it would allow for blasting to be carried out within the full red line area.
- 5.5. The applicant has provided a report prepared by Vibrock Limited, an environmental firm specialising in the measurement and assessment of vibration. The "Vibrock Assessment of Environmental Impact of Blasting Report" assesses the environmental impacts which would arise from blasting within the southern extension area. The report has assessed peak particle velocity, which is the measure of ground vibration and the maximum speed particles in the ground move as a result of blasting and the vibration effects of blasting over distance dependant on different air conditions and air overpressures, which is in relation the atmospheric pressure resulting from the blast.
- 5.6. The applicant has proposed that blasting at the quarry would be carried out approximately once a week and when necessary, only during the hours of 0800 to 1800 hours Monday to Friday, with no blasting occurring on weekends, Bank or Public Holidays. Within the submitted documents the applicant has recommended the first blast within the southern extension area to be deemed a test blast from which a site-specific regression line should be derived, to give the acceptable explosive change weights to be utilised to keep the vibration levels within the approved limits. The application documents state that the regression line should be interpreted so that for each blast the correct maximum amount of explosives (described as the charge weight) for adjacent structures and services is utilised. This means that the test blast would be used to adjust the amount of explosive used to minimise the impact on the surrounding residential properties and the data gained from this blast would be utilised in all future blasting. This test blast though would still be required to be within the conditioned limits.
- 5.7. The proposed application was not submitted with a limit for the number of blasts per year however through the application process the applicant has proposed that 52 blasts per year would be sufficient when hard or consolidated rock is encountered, with the use of tracked excavator continued to be used to extract mineral where hard or consolidated rock is not encountered and blasting is not required.



- 5.8. In addition to this, Vibrock Limited has further assessed the environmental and cumulative associated effects including vibrations, noise, and dust over time which would arise from the blast itself. The submitted documents including the 'Planning Statement' and the 'Vibrock Assessment of Environmental Impact of Blasting Report' as well as further supporting letters by Vibrock ('Additional Vibrock Information') state that this would only be noticed infrequently and close to the quarry. The report states it would be further controlled through conditions 9 and 10 (draft conditions 13 and 14) of planning permission C8/2009/1066/CPO which ensure that noise is kept between permitted levels. Other effects include airborne dust, mud and wet limestone fines which would be suppressed and managed through existing conditions now found under Draft Conditions 30 and 31 in the event of the proposal being granted planning permission. These conditions include mitigation measures which are already present on site such as water bowsers, a wheel wash facility, dust suppression sprays on processing equipment and the use of a road sweeper and other management schemes including compliance with their existing Environmental Management Scheme (EMS). Vibrock has further stated that due to the nature of blasting and the way the blasts are designed, dust effects are limited to the area immediately surrounding the blast within the Quarry. The risk of fugitive dust beyond the site boundary is considered by Vibrock to be very low.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Minerals and Waste Joint Plan, adopted 2022.
  - Selby District Core Strategy Local Plan, adopted 2013.
  - Selby District Local Plan, adopted 2005.

### Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below.
- Selby District Council Local Plan publication version 2022 (Reg 19).
  - North Yorkshire Local Plan
- 6.4. On 17 September 2019, Selby District Council resolved to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28<sup>th</sup> October 2022. The responses have been considered and this has resulted in the Council agreeing to consult on a further Revised Pre-submission Publication (Regulation 19). A further six-week consultation on the Pre-Submission Revised Publication Selby Local Plan took place from 8 March to 19 April 2024. This consultation is now concluded. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.



- 6.5. In accordance with paragraph 48 of the National Planning Policy Framework (December 2023), (NPPF) given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan may be given weight as a material consideration in decision making and, if relevant, weight given to the emerging plan policies will be referred to in the body of the report.
- 6.6. The North Yorkshire Council resolved to prepare a new local plan after local government re-organisation in April 2023. Due to the early stage in preparation of the plan no weight is given to this plan.

#### Guidance - Material Considerations

- 6.7. Relevant guidance for this application is:
- National Planning Policy Framework (December 2023)
  - National Planning Practice Guidance
  - National Design Guide 2021
  - Written Ministerial Statement – Building the Homes We Need (30 July 2024)

#### Other Policy Considerations

- 6.8. A consultation on amendments to the NPPF set out in the Ministerial Statement began on the 30<sup>th</sup> July 2024 and ended on the 24<sup>th</sup> September 2024. It is not considered that the proposed amendments would have any impact on the proposed development.

### **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Stutton with Hazlewood Parish Council:** objected to the application. Stutton with Hazlewood Parish Council resolved at its open meeting with members of the public on the 27 October 2022, to make the following observations on the above application:
1. Previous vibrations disturbances created by blasting
  2. The increase of dust and noise
  3. Lorry traffic not following regulations and the creation of mud on road surfaces
  4. Increase of lorry traffic and parking
  5. Vagueness of the extent of blasting
  6. Impact on the amenity and quality of life of those residing at Warren House Farm and Warren Cottage. Lastly, they have included that the original Environmental Impact Study is now a number of years out of date and that it should be reviewed and updated in light of the updated application.
- 7.3. **Tadcaster Parish Council:** responded stating that they had received the letter of consultation.
- 7.4. **Cllr Kirsty Leanne:** the councillor requested an extension of time, which was accepted. No additional comments were received after the extension of time.

- 7.5. **Selby District Council (Planning) (pre-Local Government Reorganisation):** responded quoting Selby's Environmental Health Officer's response (see below). The District Planning team has no further comments to make regarding the application.
- 7.6. **NYC Heritage - Archaeology:** responded stating that the current planning consent of Jackdaw Crag Quarry (C8/2009/1066/CPO) carries an archaeological planning condition (no.28) which requires that archaeological recording works take place in line with an agreed Written Scheme of Investigation. The quarry has been implementing this recording on a phased basis as the work progresses. Regarding this information it is expressed that they see no reason the removal of the blasting condition would prejudice the archaeological condition, as blasting would only take place on harder rock found at a depth.
- 7.7. **NYC– Principal Landscape Architect:** responded stating they have no landscape objection to the application provided that blasting is controlled by condition and within recognised control limits. The response states that there is no explanation of relative tranquillity in the application and how it might affect local landscape character and setting but clarifies that within the context of the existing quarry operation and its impacts on the landscape character and setting are unlikely as blasting in the quarry will be localised, infrequent and within standard limits. The consultee pointed out that there is no explanation of what 'infrequent' would be. The applicant has since confirmed that it is anticipated that 52 blasts per year would be sufficient to work the permitted lower ground levels of the quarry towards the south if hard or consolidated rock is encountered during extraction. In response to this the consultee stated, *'that has clarified the point and I have no further comment.'*
- 7.8. **NYC– Ecology:** responded noting that the applications vibration report did not refer to local ecological receptors. Following the submission of further information on the ecology of the site by the agent, a further response by NYC Ecology stated that after reviewing the report which considers the potential impacts of blasting on cliff-nesting birds, stating *"it presents a reasonable case that effects are likely to be minimal."*
- 7.9. **NYC Arboricultural Consultee:** at the time of drafting this report, no response has been received.
- 7.10. **Highway Authority:** the Highway Authority responded on the 3 October 2022 requesting further information from the applicant concerning HGV (Heavy Good's Vehicles) numbers and if they were to increase if condition 7 was lifted, as well as whether blasting operations would extend the life of the quarry. On the 4 October 2022, the applicant stated: *'The removal of Condition 7 would not increase the number of vehicle movements or extend the life of the quarry'*. In response to this statement on October 13, 2022, The Highway authority then confirmed that they have no objection to the application.
- 7.11. **National Highways:** responded on the 14 October 2022 recommended that planning permission not be granted on the basis of insufficient information to reach a decision. The missing information related as to whether blasting would lead to an increase in traffic and due to its proximity to the A64 what control mechanisms are in place to ensure that safety of road users is not compromised. A re-consultation was

sent out on the 28 October 2022 to provide the applicants response on the matter, where it was stated that *he application only concerns the extraction method at the site. It will not change the number or type of vehicles allowed, increase reserves, or extend the site's lifespan.* On 6 December 2022, a response to the re-consultation requested further information to assess impacts on the Strategic Road Network. The applicant was asked to evaluate the proposal's effects on driver distraction and safety on the A64, addressing concerns such as noise, vibration, dust, flash, and overpressure. A second re-consultation was sent on the 23 January 2023 detailing the applicant's response to the above requested details. A response was received on 20 February 2023 offering no objection on the proposal due to the submission of the assessment determining the impact of the proposal on the Strategic Road Network covering noise and flash.

- 7.12. **National Grid Plant Protection:** at the time of drafting this report, no response has been received to the original consult and the following email re-consult.
- 7.13. **Health and Safety Executive:** No response has been received.
- 7.14. **Environment Agency:** responded stating that they have no objections to the removal of condition 7 of planning permission C8/2009/1066/CPO. Further comments include that although the quarry is in a Source Protection Zone 1 (SPZ1), condition 7 relates to noise and dust, therefore falling outside of their remit.
- 7.15. **Natural England:** responded stating that they have no comments regarding the removal of the condition. However, they do wish to be re-consulted if there were any amendment which would significantly impact the natural environment.
- 7.16. **Yorkshire Wildlife Trust:** responded stating they have no comments to make on the application.
- 7.17. **Ministry of Defence (DIO):** responded that the application sits outside of Ministry of Defence safeguarding area. They have no safeguarding objections to the proposal.
- 7.18. **Northern Power Grid (Yorkshire):** confirmed that they have no objections to the proposal, provided that their rights are not affected and will continue to enjoy the rights of access to the apparatus for any maintenance, replacement or renewal works necessary. They have added specifics details on how to approach the underground cables, stating that any plans of the cables must be only used a general guide, suitable cable tracing devices and careful hand digging should be used instead to identify the location and route of the cable. They further state that great caution must be exercised at all times when using a mechanical plant and that careful trail digging should always be carried out throughout the whole route to ascertain no cables exist. Additionally, they have advised not to alter the ground cover of the cables or plant trees within three metres of existing underground cables. An informative has been included for guidance on how to approach the underground cables.
- 7.19. **National Gas Transmission:** responded on the 17 July 2024 stating that they have no objection under condition to the proposal. They further state within their response

that they operated a high-pressure gas pipeline that previously passed through the application boundary and that the pipeline has since been decommissioned and is capped at grid references X:446253.720 Y:441123.137 and X:446638.267 Y:441052.815, with the remaining pipeline section between Towton and Cawood Above Ground Installation remaining in a serviceable and pressurised condition. They have included a plan showing the pipeline location within the application boundary, this plan can be found within the application details. They further add that National Gas Transmission they will not object to the use of blasting within the quarry, provided that a vibration assessment is carried out by the applicant which shows that the vibrations that NGT's assets are subject to are within safe limits, as per National Gas Transmission their specification T/SP/GM/). National Gas Transmission. They state they are in direct contact with the applicant who is aware of the consultee's their requirements. A final response was received after a request for them to review the submitted vibration assessments, which stated the consultee has accepted the applicant's vibration assessment and do not object to the proposed development.

- 7.20. **Selby Environmental Health Officer:** The Selby Environmental Health Officer has been consulted throughout the application and first responded on 30<sup>th</sup> September 2022 stating the levels of vibration and impact to nearby residents of the site due to vibration are within the levels outlined within the British Standard 6472-2: 2008, which is a UK standard providing guidelines for evaluating human exposure to vibration in buildings and recommended a suitably worded condition in relation to a requirement for the first blast within the application site to be deemed a test blast for an initial explosion to be used to determine site specific blasting parameters.. The second requested condition relates to notifying nearby residents of any blasting operations as well as providing them the site's contact details, After further discussions with the applicant and the consultee on the 30<sup>th</sup> October 2024 a draft set of conditions were confirmed to be acceptable by the consultee, which included draft conditions 6, 7, 8, 9, 10 and 11.
- 7.21. **NYC Public Rights of Way Team:** responded on the 11 April 2023 stating that action would have to be taken if the public right of way would be permanently or temporarily affected by the proposal, as well as listing how the public right of way should be treated at all times. This includes keeping it clear from obstruction, protecting it and making the public aware of any changes. After further re-consultation the consultee has confirmed that the previous 'claimed right of way' adjacent to the site is a mistake as the application for its modification was withdrawn.

### **Local Representations**

- 7.22. Nine local representations have been received of which none are in support and nine are objecting.
- 7.23. Objections include reference to the following:
- Property damage to residential and historic buildings as a result of blasting.
  - Concerns with dust, fumes and dirt from blasting.
  - Vibrations, noise and disturbance from blasting.
  - Concerns with damage to local wildlife, water contamination and potential impacts to resident's boreholes and ground source water supply.

- Increased level of machinery and movement in and out of the quarry site.
- Mud created by HGVs due to unsuitable wheel bath.
- Lack of communication between quarry and residents in regard to blasting times.
- Impact on tourism.
- Missing information within the Vibrock Assessment. Including: The assumed blast design, data from the monitoring of typical production blasts at quarries working similar strata and information obtained from the review of historic blast records from 1996 to 2007. As well as further information regarding the 2009, 2014 and 2015 Environmental Statement as well as condition 8, 9 and 10 of the extant planning permission (C8/2009/1066/CPO). (Officer note: It should be noted that this missing information was submitted on 17 February 2023 and published on the online planning register and no further response was received from the objector)

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

Following an application to the Council, on the 21 April 2022 it was determined that the request for a formal Screening Opinion to not comply with Condition 7 (Blasting) of planning permission C8/2009/1006/CPO would have impacts on the environment and amenities of the nearest residential properties and therefore categorised as EIA development requiring any application for such development to be accompanied by an Environmental Statement. However, following the Council's determination, the applicant requested a Secretary of State Screening Direction which was issued on the 23 June 2022. The Direction confirmed that the proposed development is not considered to be EIA Development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not require an Environmental Statement. Nevertheless, the planning authority have considered the information provided within this application as far as the impacts identified in the Screening Opinion and which are elaborated upon throughout the report. There is an objection from Sutton in Hazelwood Parish Council in regard to information regarding whether the previous Environmental Statement is now out of date and requested this be looked at again. It is considered by the Council that the Screening Direction issued by the Secretary of State on 23 June 2022 is still valid and no further screening is required as there are no known significant changes in the local area.

## **9.0 Main Issues**

- 9.1. The considerations in the assessment of this application are:
- Principle of development
  - Local amenity (Vibration, Air Quality and Noise)
  - Green Belt
  - Landscape
  - Ecology
  - Water Contamination
  - Highways
  - Heritage

## **10.0 ASSESSMENT**

- 10.1. Section 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such

permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue.

- 10.2. With a Section 73 application, the Planning Authority is required to consider only the question of the conditions subject to which planning permission should be granted. This does not prevent the Planning Authority from looking at the wider considerations affecting the grant of permission, since a successful section 73 application results in a new permission and must therefore be determined with regard to the current development plan and other material conditions. Section 73 enables the Planning Authority to grant permission subject to conditions differing from those subjects to which the previous permission was granted or to refuse the application.
- 10.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 also 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 making its decision the Council should consider national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.

**Changes to National/Local Policy since Previous Permission**

- 10.4. There have been changes to national and local planning policy since the extant planning permission was granted on 22 September 2016. The national policies that are considered relevant to this planning application are within the National Planning Policy Framework (revised 2023) and the local policies that are considered relevant to this planning application are within the Minerals and Waste Joint Plan (adopted 2022) are policies M09, D01, D02, D05, D06, D07, D08 D09 and D14 and the Selby Emerging Local Plan (ELP) policies NE4, NE7, NE8, SG1, SG5 and SG9, SG12 and SG13. The relevant policies within each document will be taken into account in section 10 of this report.

**Principle of Development**

- 10.5. The proposal seeks the removal of condition 7 of Jackdaw Crag Quarry's extant planning permission ref. C8/2009/1066/CPO dated 22 September 2016. The existing condition states, 'no blasting shall be undertaken on site' Reason: 'In order to protect the amenities of residents. Aside from the addition of blasting, no change to the operation of the quarry is proposed through this application, including the amount of HGV movements to and from the site, with no change to the impact on the Green Belt, no change to the sites visual impact and no change to the character of the landscape. It is also important to note that the mineral extraction level deemed acceptable would remain unchanged. It is considered that the conditions in relation to the extant permission would be required to be carried forward should permission be granted and an assessment of these will be carried out through this report.
- 10.6. The applicant has requested the removal of the condition to allow blasting and has provided information to support and justify its use. The applicant has stated within the site there is hard and consolidated rock which is not able to be extracted through current methods. The planning statement submitted by the applicant details that a substantial portion of the available mineral reserve can be extracted without the need for blasting and instead would utilise use of tracked excavators with toothed buckets,

which would continue to be used as the main method of extracting mineral at the site. The applicant states blasting would be required approximately once a week and undertaken, when necessary, between the hours of 0800 to 1800 Monday to Friday, with no blasting proposed to be carried out on weekends, Bank or Public Holidays.

- 10.7. Policy M09 of the MWJP states that the requirements in the MWJP will be met through existing permissions, which include Jackdaw Crag Quarry. Policy D01 of the MWJP also states a positive approach will be taken in regard to the “*presumption in favour of sustainable development*”, with authorities working proactively to find solutions wherever possible and securing development which improves economic, social and environmental conditions in the area. Which is further reiterated in Policy SP1 of the Selby District Core Strategy Local Plan (2013). Policy ENV1 of the Selby local plan (2005) (saved policies) states that ‘*proposals for development will be permitted provided a good quality of development would be achieved*’. Moderate Weight can be given to Policy SG1 of the Selby Emerging Development Plan which includes the same requirements as SP1, with the additional requirement of supporting proposals that aim to mitigate and adapt to climate change through well-designed development. In terms of the NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, whilst paragraph 215 states that a sufficient supply of minerals is crucial for infrastructure, buildings, energy, and goods and that since minerals are finite and location-specific, it is important to use them efficiently to ensure their long-term conservation. Planning practice guidance also states, ‘*Mineral planning authorities should plan for the steady and adequate supply of minerals.*”
- 10.8. From the information submitted by the Applicant it is considered that the proposed development is in compliance with Policy M09 of the MWJP as the removal of the condition would facilitate the site to continue to be able to contribute the full 6.9 million tonnes of reserve previously approved as an allocated site in the MWJP. Mechanical excavation alone would not be able to extract the full reserve, which is further supported by paragraph 215 of the NPPF as referred to above. The alternative to the proposed blasting would be the continued use of the excavators, which would attempt to chip the face of the quarry, however this would not be possible with the hard and consolidated rock. If no amendment to the existing permission were approved to allow blasting, the site would require an amended restoration scheme to take into account minerals which are not able to be mechanically extracted, as the final restoration levels would not be able to be achieved. This would potentially sterilise part of the approved minerals resource which could be extracted through blasting.
- 10.9. Furthermore, it is considered that allowing strictly controlled blasting to facilitate extraction is acceptable in principle, provided that impacts can be safely mitigated by imposing conditions that limit and control those impacts. This would ensure a sustainable and appropriate development, supported by Policy D01 of the MWJP and paragraph 11 of the NPPF and the Minerals PPG. The presumption in favour of sustainable development is further supported by Policy SP1 of the Selby District Core Strategy (2013), Saved Policy ENV1 of the Selby District Local Plan (2005) and Policy SG1 of the Selby Emerging Development Plan.



- 10.10. Overall, it is considered that the principle of blasting at the site is supported from a policy context by Policy M09 of the MWJP and the need to meet the required levels of extraction during the plan period as without blasting the existing mechanical extraction method at the site would not be sufficient to extract the approved tonnage of mineral from the site. This is further supported by Policy D01 of the MWJP, Policy SP1 of the Selby District Core Strategy (2013), Policy ENV1 of the Selby District Local Plan (2005), Policy ENV1 of the Selby District Local Plan (2005) and Policy SG1 of the Selby Emerging Development Plan, notwithstanding the consideration of all other material planning considerations.

### **Local Amenity (Vibration)**

- 10.11. Blasting did not form part of the extant permission (Ref. C8/2009/1066/CPO). Since the previous application did not have any information in regard to the impact of blasting, a condition was imposed due to the absence of evidence demonstrating that blasting would not significantly impact residential amenity of the local area. The current operation is in compliance with the approved scheme.
- 10.12. The application includes the Vibrock ‘Assessment of Environmental Impact of Blasting within the Southern Extension Area at Jackdaw Crag Quarry, North Yorkshire’, (Ref R23.11219/3/DW dated 16 February 2023) as well as further letters by Vibrock (‘Additional Vibrock Information’), (collectively referred to as the “Vibrock Report”) which set out the predictions made by Vibrock based upon an assumed blast design for the quarry and data from the monitoring of typical productions blasts at quarries working similar minerals (Magnesian Limestone). It is considered that the information provided gives enough detail to assess the impact of blasting and the subsequent vibration. The below section first sets out the relevant policy in relation to vibration and then assesses the applicant’s information against this policy.

### **Vibration - Policy**

- 10.13. Policy D02 of MWJP states that minerals development will be permitted where it can be demonstrated that there will be no unacceptable impact on the amenity as a result of noise, dust, vibration or emissions to air, with proposals being required to first “*prevent adverse impacts through avoidance*” and where this is not possible use “*robust mitigation measures*”. Part 2 of the policy states applicants are encouraged to engage with local communities in regard to proposals. Policy SP19 of the Selby District Core Strategy (2013) states that non-residential development should meet key requirements and at point k) specifically in regard to preventing development contributing to oil, air, water, light or noise pollution. In terms of the NPPF paragraph 135 seeks to ensure development creates safe places which include a high standard of amenity for all users and paragraph 217 suggests great weight should be given to the benefits of mineral extraction, including to the economy and at Point b) and c) requires that mineral proposals should ensure that developments have no adverse impacts on human health and that “*any blasting vibrations are controlled, mitigated or removed at source*”.

### **Vibration – Policy Consideration**

- 10.14. In terms of the consideration of Policy D02 (1) of the MWJP the quarry has continued excavation of the site with an excavator, however as stated by the applicant the hard

and consolidated rock in the lower benches is unable to be extracted with an excavator, therefore it has been proposed that blasting would be required to extract this mineral and cannot be avoided in this circumstance. It is reasonable in the circumstances to assume this view is correct and that where hard and consolidated rock is found it cannot be extracted in many cases with an excavator. As avoidance of blasting is not possible in this instance, robust mitigation is required to stop any adverse impacts in regard to vibration from blasting.

- 10.15. Due to the nature of blasting, if uncontrolled, vibrations generated could have an adverse impact on the amenity of local residents, businesses and the local community as a whole. Without proper controls, excessive vibrations could lead to structural damage and disturb the community's quality of life. In regard to cumulative impacts there are no other significant sources of ground vibration from other quarry blasting operations within 1km of the Southern Extension Area and it is considered that there would not be any cumulative impacts at the receptor locations as a result of quarry blasting operations within the Southern Extension Area. The acceptability of this mitigation will be discussed in the rest of this section including in reference to conditions 6, 7, 8, 9, 10 and 11.
- 10.16. The Vibrock Report predicts the effects upon the amenity of the four closest properties to the southern extension of the quarry. This includes in order of proximity: Warren Cottage, The Old School House, Brick House Farm and Sugar Hill Farm. Warren Cottage is located immediately to the south of the mineral extraction area, only 25 meters from the application site. Other properties are located significantly further from the application site, the next closest being 600m. The Vibrock report states that blasts would not exceed a ground vibration limit, which is the peak particle velocity (ppv) of 6  $\text{mms}^{-1}$  per second at a 95% confidence level in proximity to any residential property. This 6  $\text{mms}^{-1}$  per second figure is in relation to Warren Cottage, with the other nearby properties the vibration effects would be significantly lower than the of 6  $\text{mms}^{-1}$  per second, with the second closest property having a predicted vibration level of only 0.6  $\text{mms}^{-1}$  at a 95% confidence level in comparison. The 95% confidence level in relation to blasting at a minerals site refers to the statistical assurance that the vibration levels from blasting will not exceed a certain threshold 95% of the time. This means that the blasts are designed so that the actual vibration levels are typically much lower than the maximum allowable limit, ensuring safety and minimising the impact on nearby structures and communities.
- 10.17. The Vibrock Report states that blasts at the site should be designed with reference to Table 1 in the Vibrock Report, taking into account residential properties. The table in Appendix A, titled 'Allowable Maximum Instantaneous Explosive Charge Weights – Inhabited Property at Jackdaw Crag Quarry,' outlines the maximum permissible amount of explosives to ensure compliance and protect the amenity of Warren Cottage and other surrounding properties according to the Vibrock Report. The table utilises data from other quarries the applicant operates to predict the impact of vibrations. It requires the closer the blast being prepared is to a residential receptor the lower the amount of explosives is able to be utilised in the blast, so that the blast would not exceed the proposed ground vibration limit which is the peak particle velocity (ppv) of 6  $\text{mms}^{-1}$  per second at a 95% confidence limit.

- 10.18. It is considered the information included within the application justifies the  $6\text{mms}^{-1}$  for 95% of the events, which is a level of vibration which would be safe for human perception and property in the area in line with British Standards 6472-2:2008, which give an acceptable range of 6 to  $10\text{mms}^{-1}$  at a 95% confidence level at a vibration sensitive property. It is a reasonable assumption that with no objection from the Environmental Health officer that a ppv of  $6\text{mms}^{-1}$  at a 95% confidence level would not impose any impacts on Warren Cottage or any other residential property and is considered safe for the integrity of structures and also the human perception effects, therefore having no significant effect on the amenity of the residents. To secure this and mitigate uncontrolled impacts draft Condition 6 would be added ensure that the levels do not exceed a peak particle velocity (ppv) of  $6\text{mms}^{-1}$  per second at a 95% confidence level. The Environmental Health Officer (EHO) gave a response on 30<sup>th</sup> September 2022 stating the BS 6472-2:2008 in relation to the scheme, which is titled "*Guide to evaluation of human exposure to vibration in buildings - Blast-induced vibration*". A further response was submitted on 11 July 2023 stating guidance BS 5228-2:2009 in regard to the code of practice for noise and vibration control on construction and open sites, however the above stated BS 6472-2:2008 is considered to be a more appropriate guide in relation to blasting at a minerals site. Furthermore, after draft conditions controlling blasting were proposed the EHO on the 27<sup>th</sup> July 2023 stated "*given the extra information the control mechanisms in place, the history of compliance with this site and the type of operation I am happy with the condition*". On the 30<sup>th</sup> October 2024 a final response was received from the EHO confirming the proposed updated draft conditions were acceptable.
- 10.19. Although it is considered that compliance with the table stated in appendix A would give a good level of mitigation, to further control the impact the Environmental Health Officer (EHO) requested a suitably worded condition in regard to a test blast which was identified within the Vibrock report (point 10.7 within Assessment of Environmental Impact of Blasting within the Southern Extension Area at Jackdaw Crag Quarry, North Yorkshire', (Ref R23.11219/3/DW dated 16 February 2023) . The draft condition would confirm the site specific regression line, to give the acceptable explosive charge weight to be utilised to keep the vibration levels within the approved limits. This would be used to update the amount of explosive charges in Appendix A to best mitigate its vibration, taking into account its location/distance from residential receptors. This test blast would ensure that all future blasts and subsequent vibrations would not have a significant or cumulative impact on the neighbouring properties and surrounding area, including fatigue damage, which takes into account multiple blasts on a structure and the impact over time of this. By adjusting the charges according to distance with the site specific data, this would result in a much more controlled intensity of blasting and associated vibrations, keeping blasts within the acceptable limit and preventing significant effects on neighbouring properties and surrounding area. It is considered this would provide robust mitigation and minimise the impact of blast vibration as much as possible.
- 10.20. To give continued oversight of blasting to the planning authority there would be a requirement for monitoring of the blasts through draft condition 11. This would include a requirement for the monitoring to take place at Warren Cottage or an approximate

alternative location, which would confirm compliance with vibration limit at a location which is considered to be an adjacent receptor. The Vibrock report recommended a programme of monitoring to be conducted at adjacent receptors, in this instance an approximate alternative monitoring point is referenced in both draft condition 9 and 11 to ensure that, if Warren Cottage as the closest receptor is inaccessible, this can be substituted with a nearby location which would replicate the impacts of blasting on the adjacent receptor and give a meaningful result. Under proposed Draft Condition 11, the operator would also be required to monitor vibrations and air overpressures from blasting, retaining the results for 12 months, and making them available to the Local Planning Authority upon request. This would provide ongoing oversight of blasting activities, ensuring that any potential vibration and air overpressure issues in relation to atmospheric pressure are promptly identified and addressed. In regard to this draft condition 11 air overpressure is not given a specific limit due to uncontrollable and unpredictable atmospheric conditions, which mean that the maximum acceptable air overpressure is not able to be determined with a degree of accuracy. It is considered that the monitoring of air overpressure though gives further oversight of the blasting practice and is acceptable in the circumstances. Draft Conditions 9 and 11 aim to preserve local amenity and prevent negative impacts on the community, by understanding the site specific effects of a blast and adjusting future blasts accordingly, therefore the conditions are considered necessary to protect the residential amenity of the area. Although condition 11 was not requested by the EHO it is acceptable as stated within a further consultation response.

- 10.21. In addition the following draft conditions 7, 8 and 10 are necessary to further contribute to the robust mitigation in regard to vibration, in line with MWJP Policy D02 (1) and have been considered acceptable by the EHO. Draft condition 7 would permit 52 blasts in any calendar year and no more than five blasts in any calendar month. Condition 8 controls the hours and days of blasting to only be permitted from 08:00 to 18:00, Monday to Friday and prohibit blasts on weekends and public holidays. This would minimise any potential disruption to the surrounding community and ensure that the impact on amenity is carefully managed within a specified timeframe. In regard to conditions 7 and 8 these allow for flexibility in cases where faulty equipment or adverse weather would be encountered allowing for blasting to take place in emergency situations; however, the Local Planning Authority would be informed in writing within 24 hours the event, which is deemed reasonable in the circumstances. Additionally, local residents and the Parish Council would be notified through draft condition 10 prior to any planned blasting operations which would ensure that in the interest of the local amenity members of the public are aware of the blasting and taken into account.
- 10.22. Although the gas pipeline through the site, as described in paragraph 4.2 has been capped and decommissioned on the boundaries of the site, it is still a consideration in regard to vibration. National Gas Transmission's (NGT) consultation response stated that they have no objection to the proposal confirming the applicant's vibration assessment is acceptable. The assessment confirms that a ppv limit of 75mm-1 is the maximum acceptable level to stop any impacts in regard to the pipeline. The allowable amount of explosives (or charge weight) per separation distance to comply with the vibration criterion are presented in Table 2 in Appendix C of this report titled:

“Allowable Maximum Instantaneous Explosive Charge Weights - National Grid Gas Pipeline At Jackdaw Crag Quarry”. Blasting at the quarry site would be limited through draft condition 6 to a maximum ground vibration limit, which is the peak particle velocity (ppv) of  $6 \text{ mms}^{-1}$  and is significantly lower than the  $75 \text{ mms}^{-1}$  vibration criterion deemed acceptable for the decommissioned pipeline underground. Given this substantial margin between the blasting vibration limits and the pipeline’s blasting criterion, it is considered that the proposed blasting operations will not adversely affect the pipeline or its infrastructure, which is supported by NGT stating no objections to the proposal and the vibration report.

- 10.23. In terms of the nearby electricity infrastructure, the maximum predicted vibration level at the pylon is  $12.4 \text{ mms}^{-1}$  at a 99.9% confidence level in the Vibrock report. It is considered that with this figure being below the National Grid’s standard threshold of  $50 \text{ mms}^{-1}$ , blasting activities would not negatively impact the pylon or its functionality. In relation to the cables north of the site Northern PowerGrid expressed no objection to the application, provided that their rights remained unaffected, and they retained access rights for any maintenance, replacement, or renewal works necessary for the apparatus. Furthermore, they provided specific instructions on how to approach the underground cables, advising caution in their response but stating no objection. The response in relation to the cables has been added as an informative to the draft condition schedule.
- 10.24. To accord with Policy D02 (1) of the MWJP the proposal would require robust mitigation measures as avoidance is not practicable in this instance. The proposed conditions to control vibrations are condition 6 (vibration levels), condition 7 (frequency of blasting), condition 8 (hours of blasting) condition 9 (test blast), condition 10 (notification of blasting) and condition 11 (blast monitoring). These conditions have been reviewed by the Council’s Environmental Health Officer (EHO), who has confirmed their acceptability to control the effects of vibration from blasting. The EHO states the submitted information meets the British Standard 6472-2: 2008 which is guidance in relation to vibration in buildings and the human response to this. This is further supported by the Council’s Principal Landscape Architect’s no objection response provided that blasting is controlled by condition and within recognised control limits. It is also considered the conditions proposed meet the six tests outlined in Paragraph 56 of the NPPF and are necessary to limit the impact on amenity, relevant to the development enforceable, precise, and reasonable in all other respects. These conditions would minimise the impact of vibrations on the local surroundings and give sufficient control, therefore the proposal is in compliance with D02 (1).
- 10.25. MWJP Policy D02 (2) states that applicants are encouraged to conduct early and meaningful engagement with the local community and to reflect the outcome of those discussion in the design of proposals. In this respect, before submitting the application, the applicant has stated they discussed the proposal with the occupiers of the closest property, Warren Cottage, however no details of this have been included in the application and Warren Cottage objected within the consultation stage. The application includes no details of any other community engagement other than discussion with Warren Cottage. It is considered that in this instance the proposal is not fully compliant with D02 (2) as no meaningful engagement, in addition to Warren

Cottage has been shown. However on balance when taking into account policy D02 as a whole in relation to vibration it is considered that the application has shown that vibration would not have a significant effect on residential amenity and in relation to D02(1) the vibration from blasting is not able to be avoided but robust mitigation has been provided. Therefore in the planning balance when considering vibration the proposal is in compliance with D02 of the MWJP.

- 10.26. The proposal is also consistent with the NPPF paragraph 217 as the conditions proposed would control and mitigate the impact of vibrations from blasting, which in this instance cannot be removed at source and the conditions have been approved by the EHO to ensure that blasting vibrations in terms of amenity are controlled and mitigated. The robust mitigation provided is satisfactory in considering the acceptability of the proposal in the planning balance with the application in regard to vibration being in accordance with the development plan.

#### Vibration - Representations

- 10.27. The application has received letters of representation from the local community and an objection by the Stutton-cum-Hazlewood Parish Council who held an open meeting with members of the public on the 27 October 2022 regarding the effects of the proposed blasting. The representations object on the grounds of property damage to local and residential buildings, the increased disturbance caused by vibrations and the necessity of blasting from a commercial standpoint, arguing that the limestone could still be extracted using mechanical means. In response, the Vibrock Report is considered acceptable by the Environmental Health Office and the impacts of vibrations from blasting can be effectively mitigated and managed with the use of the aforementioned conditions. Provided that blasting and its vibrations would be controlled through draft conditions 6 to 11, it is deemed that the application in terms of its vibration effects is acceptable. This is considered to be in accordance with policy D02 as the impact of vibration is being mitigated where possible as it cannot be fully removed. In this instance there is no evidence to state that the information from the applicant in relation to the hard and consolidated rock is undermined and the application is required to be assessed against the information provided to assess the acceptability of removing condition seven to allow blasting at the site.
- 10.28. In addition, an objection has been raised based on what is stated to be missing information on assumed blast design, data from the monitoring of typical production blasts at quarries working similar minerals and information obtained from the review of historic blast records from 1996 to 2007. These concerns have been addressed by the applicant by the provision of additional documentation which is further elaborated upon in the 'Consideration of other representations' section at paragraph 10.82-10.89. As further information has been submitted by the Applicant it is considered that this information is sufficient to conclude that there would be no significant impact from blasting. In addition to this no statutory consultees have objected in regard to blasting and it is deemed that the Vibrock Report presents a reasonable case for blasting at the site, subject to the appropriate mitigation measures set out in the paragraphs above.

### Vibration - Conclusion

- 10.29. In conclusion notwithstanding the representations made the proposal to allow for blasting at the site through the removal of Condition 7 is supported by evidence showing minimal impact on the surrounding amenity when the effects of vibrations are controlled and mitigated, further deemed acceptable by the Environmental Health Officer due to the information provided and the type of operation. Therefore, it is considered that the proposal would be acceptable and is consistent with the NPPF paragraphs 135 and 217 and accordance with Policy D02(1) of the MWJP, although cannot be stated as fully compliant with D02(2) due to the lack of information regarding the meaningful engagement of the community prior to the submission of the application. However it is considered on balance that the robust mitigation to be secured through conditions, which minimises the impact of the blasting is deemed acceptable and the proposed development does not conflict with this policy and there is no evidence to suggest that the development would have an adverse impact on residential amenity by vibration.

### Local Amenity (Air Quality)

- 10.30. Conditions 26 and 27 of the extant permission regarding dust mitigation would be brought forward should permission be granted. The proposed development would also not increase the number of HGV movements in relation to the site. In addition, a new Plan has been submitted by the applicant to replace the 'Dust Mitigation Scheme' required by extant condition 26. The Plan sets out the operations for monitoring and managing dust emissions within the site boundary. The Plan is the 'Jackdaw Crag Procedure for Monitoring and Controlling Dust Emissions' and will be considered in the following paragraphs.
- 10.31. The Applicant's Planning Statement states that although blasting may increase the risk of airborne dust, any blasting would be undertaken at levels well below the nearest sensitive receptor to the south (Warren Cottage located 25 metres away), emphasising that due to the nature of blasting and the way blasts are designed, dust effects are generally limited to the area immediately surrounding the blast within the quarry and that the risk of fugitive dust beyond the site boundary is very low. The 'Jackdaw Crag Procedure for Monitoring and Controlling Dust Emissions,' Plan outlines the operational practices with measures to control dust from blasting to the surrounding community. This includes mandatory visual assessment of emissions from roadways, haul routes and stockpile areas, recorded on a scale to indicate visibility, which in the event that adverse results are triggered from dust including from blasting, immediate investigation and notification with corrective actions documented in a logbook are proposed to be taken. In addition to this, the quarry operator would conduct inspections and monitoring in response to evidence of offsite airborne dust from which controlling measures including vehicle sheeting, roadway and stockpile conditioning and effective cleaning procedures are taken to ensure that dust is regulated. The plan also requires that management practices would ensure that essential spares for plant and equipment exist within the site and staff are trained in regard to dust management procedures.



### Air Quality - Policy

- 10.32. The most relevant policies include Policy D02 and D14 of the MWJP, Policy SP18 and SP19(k) of the Selby District Core Strategy (2013), 'Saved' Policy ENV2 of the 2005 Selby District Local Plan. Emerging Local Plan (ELP) Policy NE7 Air Quality is given moderate weight as is not subject to significant unresolved objections. It resists development that results in further significant air quality deterioration or results in any increase in the number of people exposed to poor air quality or harms designated nature conservation sites. It supports development that has acceptable air quality impacts and mitigates adverse impacts and supporting sustainable travel to reduce air quality impacts. In terms of NPPF paragraphs 180 and 217 are the most relevant. The National Planning Practice Guidance (PPG) supports the national policy contained within the NPPF, the relevant guidance in relation to air quality and dust for the determination of this application can be found within the 'Air Quality' section.

### Air Quality – Policy Consideration

- 10.33. The potential adverse impacts on air quality from blasting include the risk of fugitive dust escaping the quarry boundary, which could affect the health of the community and disturb local amenity. Dust dispersion, especially during high winds, may increase the risk of airborne particles contributing to these issues. Although Vibrock has stated that dust effects are limited to the area immediately surrounding the blast within the quarry and the risk of fugitive dust beyond the site boundary is very low it has still been considered and where necessary with conditions added to further mitigate any effects. Other impacts in regard to air quality include HGV movements and plant equipment emissions related to the site, in this instance the applicant has not proposed any amendments to the HGV numbers in relation to the site or any additional plant and it is therefore considered that as HGV movements and emission from any further plant would not being increased, this would not create any additional air quality issues.
- 10.34. There has been no objection from the EHO on the grounds of air quality or dust impacts. The Health and Safety Executive has also been consulted on the application but no comments have been received. Draft Condition 30 requires that the development shall be carried out in accordance with the dust mitigation scheme (titled Jackdaw Crag Procedure for Monitoring and Controlling Dust Emissions) which contains a framework for monitoring and controlling dust emissions. The design of blasting and the operational characteristics detailed within the dust mitigation scheme work together to contain the effects of dust within the immediate blast area and quarry itself. Through this mitigation it is considered that where possible dust would be kept within the quarry boundary and would stop any unacceptable impacts in regard to dust within the site and the surrounding areas. Furthermore, the dust mitigation scheme ensures the commitment to promptly submit an updated scheme to the planning authority and implement additional control measures if deemed necessary, demonstrating proactive management and maintaining the continued amenity of the local community Condition 31, which was previously condition 26, would be carried over from the extant permission relates to minimising dust emissions, especially during high winds, as the site would implement measures such as spraying roadways and stockpiles of material, as well as discontinuing soil movements in windy conditions.

- 10.35. With condition 30 having been updated and condition 31 being retained it is considered that the proposal is in accordance with policy D02 and D14 of the MWJP as this robust mitigation would ensure there would be no unacceptable impacts to the intrinsic quality of the air from the addition of blasting. The dust mitigation scheme includes a systematic and accountable approach to minimising air quality, safeguarding local amenity and maintaining environmental compliance within the application site. The implementation of these dust suppression measures would help mitigate the effects of dust and maintain an acceptable level of air quality while blasting by trapping and reducing airborne particles, thereby minimising dust dispersion into the surrounding area. The site is also not in an Air Quality Management Area (AQMA) and would not impact the nearest AQMA which is New Street in Selby. The proposal is also in accordance with SP18 and SP19(k) of the Selby Local Plan as the conditions would prevent an unacceptable risk from air quality emissions at the site. The proposal is also consistent with the NPPF paragraphs 180 and 217 and PPG guidance for air quality as the dust and particle emission are controlled and mitigated through condition where they cannot be removed at source. SP15(b) of the Selby Local Plan also requires development to contribute towards reducing carbon emissions and are resilient to the effects of climate change, whilst the policy is more orientated to built development rather than mineral operations it is still relevant. With no additional HGV vehicle movements or plant emissions than previously approved and conditions to adequately control air quality the application is considered in accordance with this Selby Local Plan policy. The proposal is also in compliance with NE7 of the draft Selby local plan, as through conditions 30 and 31 mechanisms have been put in place to mitigate the impacts of the development and prevent exposure to poor air quality without creating additional traffic to the site.
- 10.36. The potential impacts to air quality considered above would be regulated by the blasting frequency condition in Draft Condition 7, restricting blasting to 52 blasts within a calendar year and with no more than 5 blasts in any calendar month. This would effectively minimise the cumulative impact of blasting on air quality over time which are necessary to control potential disruption to local amenity. The application includes letters of representation and objections raised by the Stutton-cum-Hazlewood Parish Council in regard to air quality which have concerns with dust, fumes and dirt that would result from blasting. There has been no objection from the Selby Environmental Health Officer on the grounds of air quality or dust impacts, on the basis that the mitigation stated is included in any permission, which in this instance are considered appropriate in the circumstances.
- 10.37. It is considered that in regard to air quality the proposed development would not have additional significant cumulative impacts when taking into account the wider Jackdaw Crag site, as the permission for extraction in the northern part of Jackdaw Crag quarry expired in 2017 and other than the addition of blasting the other site operations at the quarry site would remain as existing and would take place over the same time period as previously approved with no significant negative effects on air quality. Furthermore, there are no other sites in proximity to Jackdaw Crag quarry for which there could be cumulative effects in regard to air quality. Therefore in regard to the cumulative impact of air quality the proposal is in compliance with D02 of the MWJP.

### Air Quality - Conclusion

- 10.38. The robust mitigation considered necessary to control the adverse effects of blasting on air quality are contained within conditions 30 and 31 to control, manage and suppress dust and stop any unacceptable impacts in relation to air quality at the site. Taking into consideration the information provided, it is considered the application would be acceptable and in accordance with, Policy D02 and D14 of the MWJP, Policy SP18 and SP19 of the Selby District Core Strategy (2013), 'Saved' Policy ENV2 of the 2005 Selby District Local Plan and Policy NE7 of the Selby Emerging Development Plan as well as national policy contained within the NPPF and PPG.

### Local Amenity (Noise)

- 10.39. The extant permission contains condition 8 (mobile plant noise), 9 (Noise limit), 10 (temporary noise limit) and 11 (noise management plan) for controlling noise from quarry operations which will be carried forward should permission be forthcoming. No new conditions in regard to noise have been proposed by the applicant. The submitted 'Jackdaw Crag Quarry Planning Statement' states that the environmental effects of noise associated with blasting may arise from the blast itself; however, this would only be noticed infrequently and close to the quarry. Furthermore, the application documents state that noise will continue to be controlled in accordance with the limits set by planning conditions 9 and 10 of planning permission C8/2009/1066/CPO.
- 10.40. The applicant submitted the document *Additional Vibrock Information - Cumulative impact of quarry operations and blasting* which explains the cumulative impact from quarry operations against the noise impact of the proposed blasting. It states that given the infrequent nature of the blasts (no more than 5 blasts in any calendar month) and their short-term duration (one to two seconds) that a blast would have negligible to no impact on how noise is assessed in terms of LA90,1h which measures noise over a one hour period, as required by the Minerals Planning Practice Guidance. It is considered by Vibrock that the noise generated by blasting cannot be fully controlled, as it has negligible to no impact on the noise reference period which is used for assessing noise levels, which means that blasting could not be conditioned to be within a set noise limit as this would not show up on noise readings because of the short term nature of a quarry blast being 1 to 2 seconds. The previously approved Noise Management Plan for the quarry outlines a comprehensive approach to monitoring and mitigating noise from quarry operations. This includes noise monitoring which will occur quarterly at designated locations and reports are required to be submitted to the Planning Authority within two weeks. Key mitigation measures include regular maintenance of equipment, use of adjustable alarms, and adopting site practices to minimise noise. Special attention is given to particularly noisy short-term activities, with efforts to inform and coordinate with nearby residents. A structured complaints procedure for local residents to liaise with the operator direct ensures prompt investigation and resolution of any noise-related issues, maintaining accountability and compliance with environmental standards, with residents also able to contact the planning authority to submit an enforcement complaint.

### Noise - Policy

- 10.41. The most relevant policies include Policy D02 of the MWJP, Policy SP19 of the Selby District Core Strategy (2013), 'Saved' Policy ENV2 of the 2005 Selby District Local Plan. The Emerging Local Plan (ELP) is also relevant with Policy SG9 Design requiring proposals respond to the location in terms of density and Policy NE8 Pollution and Contaminated Land requiring consideration of contaminated land potential and remediation if required. These two policies are not subject to significant unresolved objections and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. In regard to the NPPF the most relevant paragraphs include paragraph 135,180,191 and 217. The National Planning Practice Guidance (PPG), 'Noise' section states that decision making needs to take account of the acoustic environment and in doing so consider whether or not a significant adverse effect is occurring or likely to occur, whether or not an adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved. In line with the Explanatory note of the Noise Policy Statement for England, this would include identifying whether the overall effect of noise exposure exceeds or would be below the significant observed adverse effect levels for the given situation and due to the complexity of noise issues, consulting a specialist may be necessary.
- 10.42. The PPG guidance states the Significant Observed Adverse Effect Level (SOAEL) is the threshold above which significant negative impacts on health and quality of life occur, while the Lowest Observed Adverse Effect Level (LOAEL) indicates the point where adverse effects can first be detected. The No Observed Effect Level (NOEL) is the level below which no effects are observed, and it's important to consider that these levels can vary based on factors like noise intensity, frequency, duration, and timing. It also includes a noise exposure hierarchy where noise exposure is categorised into levels based on its effects. At the lowest level, unperceived noise has no impact, while slight exposure leads to minor changes without affecting quality of life. As exposure increases, it can cause noticeable behavioural changes, prompting the need for mitigation. Crossing into significant adverse effects results in substantial behavioural changes, necessitating planning measures to avoid such impacts. At the highest level, excessive noise can lead to serious health issues, which should be avoided regardless of the benefits of the noise-generating activity.

### Noise – Policy Consideration

- 10.43. Before setting out the impact of blasting in terms of noise, this paragraph will consider the noise impact of the current operations of the site which are to be continued along with the proposed addition of blasting at the site. As stated in paragraph 10.39 the extant permission includes four conditions in regard to noise, which have previously been deemed acceptable. There have been no changes proposed to the operation of the quarry in this application, other than the addition of blasting. It is considered that the existing operations at the site are still deemed to be acceptable in terms of noise with no changes to the site or operations since the permission was granted. The scheme of works for mobile plant noise (condition 8) was approved on 30 July 2021 and is still deemed acceptable in regard to controlling the noise of the site, without any blasting. The noise emissions from the site would continue to be attenuated by the depth of the quarry, screening, nature of the

countryside and distance of the operations to the nearest receptor (Warren Cottage) and the existing noise limits stated within condition 9 still being deemed acceptable. The operations nearer the surface such as soil stripping are also still considered to be of short duration and removal of rock by excavator, where possible would progressively attenuated by soil storage / screening mounds and the faces of the quarry as excavation deepens. Noise from these processes can be noticeably higher but are deemed to be sufficiently controlled by the existing temporary noise limits through condition 10. Therefore three of the extant conditions will be replicated in the draft schedule as conditions 12 (mobile plant noise), 13 (noise limit) and 14 (temporary noise limit).

- 10.44. The existing operations which are to be continued if this scheme were to be approved, not taking into account blasting, are considered to be in compliance with D02 of the MWJP which requires applications to demonstrate that there would be no unacceptable impacts in regard to noise, Policy SP19(k) of the Selby District Core Strategy (2013) which requires development not to contribute, put at risk or adversely affect noise pollution and 'Saved' Policy ENV2 of the 2005 Selby District Local Plan which requires satisfactory preventative measures in regard to unacceptable levels of noise. The existing operations in regard to the Selby Emerging Development Plan, which can be given some weight, are considered in compliance Policy NE8 which requires development which could present noise pollution to incorporate preventative measures taking into account human and environmental receptors and SG9 which requires proposals not to have an adverse impact in regard to disturbance from noise. This is as the continued imposition of appropriate conditions to limit noise levels, the proposed methods of working, phased removal of the limestone and final restoration would not cause any unacceptable impacts in relation to noise in regard to residential amenity. The existing quarrying operations are considered consistent with NPPF paragraph 217 point c which requires developments to establish appropriate noise limits where noise is unavoidable, in this instance the previous limits approved in extant condition 9 and 10 are still deemed appropriate.
- 10.45. This application is required to consider the addition of blasting activities to the existing quarry working in relation to noise, discussed in paragraphs 10.43-10.44. An objection by the Stutton-cum-Hazlewood Parish Council raised concerns on tourism and the increase of noise impact on the amenity and quality of life of the those residing at Warren House Farm and Warren Cottage. Blasting as a form of mineral extraction is inherently noisy and due to its nature, tends to produce short-term noise that cannot be fully controlled or mitigated. When considering blasting noise at the site, taking into account the information provided in the application in terms of the Planning Practice Guidance (PPG) for noise it is considered that there would be a one to two second period where noise would be present and able to be heard in the immediate local area, it is not considered this noise produced from the individual event of a blast would be of a level which would have a significant impact on the amenity of residents in the local area. This blast noise would not intrusive due to the short term nature of activity and would not produce a noise to the level that would be harmful to health or the amenity of local residents. Therefore it is considered blasting noise would come under the category in the PPG noise hierarchy of No Observed Adverse Effect Level, which is described as present and not intrusive. The blast noise although could be intense

would be for a very short period (1 to 2 seconds) and would not be frequent with at most one blast every week and only at specific time periods controlled via condition. Within the hierarchy this therefore requires no specific measures to mitigate the impact of the noise, within the outcomes of the hierarchy it states noises such as this can be heard but do not cause a change in behaviour, attitude or other physiological response. In this instance there are measures through condition which though are being put in place to limit the impact on vibration, which would also be beneficial in terms of blast noise, which includes the monitoring of air overpressure at the site, through condition 11. With the measures in place for vibration through conditions, the information included within the application in relation to noise and no objection from the Environmental Health Officer it is considered that the addition of blasting would not have a significant change in the quality of life of surrounding residents including those of Warren House Farm and Warren Cottage stated within the objections. There are also conditions (draft Conditions 12-15) to control noise from other operations at the quarry, where this mitigation is able to reduce the impact of the site to a minimum within the recommended PPG guidance.

- 10.46. The EHO recommend implementing Draft Condition 10, which involves notifying the Stutton with Hazlewood Parish Council and nearby residents (Warren Cottage, Warren House Farm and The Old School House) about planned blasting operations. This includes providing the date and time of the blast and contact details for the site manager or other designated personnel to whom residents can communicate in the event of any disturbance or concerns. This is required to give prior warning of the vibration from a blast but would also be beneficial in terms of noise by giving a prior warning of the 1-2 second noise any blast could also cause, which cannot be avoided. This is in accordance with Policy D02 of the MWJP and Policy SG9 of the Selby Emerging Development Plan and paragraph 135 f) of the NPPF, as it is considered that Draft condition 10, along with Draft condition 6 (limitations to blasting), Draft condition 7 (blast frequency), draft condition 8 (hours of blasting), draft condition 9 (test blast) and draft condition 11 (monitoring) would sufficiently reduce the impact of noise from blasting at the site, where possible.
- 10.47. An existing requirement of the extant permission under Condition 11 is a Noise Management Plan (NMP). The Vibrock report specifically the additional information provided on the 23 February 2024 states that the infrequent (on average of one blast a week) and short term nature for the potential of an air overpressure event which can cause noise is considered to have negligible to no impact on the 1-hour long noise reference period (LA eq, 1h) for which noise is assessed in terms of minerals planning practice guidance. Therefore proactive monitoring and management efforts can minimise impact of noise to the minimum requirements within the Planning Practice Guidance. A requirement of the permission to assist with this though is to monitor air overpressure through condition 11, which aids in controlling noise at the site and limits the chances of event which would have a significant impact on amenity. It is though still considered that an updated NMP would be required to be submitted by the applicant under Draft Condition 15. The NMP will be required to update noise impacts from various operational sources. The plan would specify noise monitoring locations, including those near the site and sensitive receptors, and detail the monitoring equipment which would be used. It would also include a plan identifying all

monitoring positions, outline the monitoring periods and would require monitoring every 6 months. The approved NMP would be reviewed annually, and if noise levels exceeded the specified limits or complaints are received, the operations causing excessive noise would be required to cease immediately and steps would be taken to attenuate the noise levels, with monitoring frequency increased to three-month intervals.

- 10.48. The updated NMP is required as although noise from blasting cannot be controlled or fully mitigated an updated NMP would include references to blasting and state the limitations of blasting (for example the allowed hours blasting can take place) which would indirectly assist in mitigating blasting effects and demonstrate a commitment to minimising disruptions and avoid noise which would otherwise give significant impacts on the quality of life for local residents This is consistent with the NPPF paragraph 191, as it would reduce the impact of noise to the minimum possible. This is also in accordance with Policy D02 of the Minerals and Waste Joint Plan (adopted 2022) and Policy SP19 k) of the Selby District Core Strategy (2013) as there would be no unacceptable impacts from the addition of blasting. In regard to 'Saved' Policy ENV2 of the 2005 Selby District Local Plan and Policy NE8 of the Selby Emerging Development Plan, which is given some weight, the proposed development cannot be stated as fully compliant due to the considerations above stating that the impact of noise from blasting would not be fully controlled. When weighing this in the planning balance although the proposal could present noise pollution, full preventative measures cannot be incorporated due to the nature of blast noise. It is considered there would not be a significant impact in relation to blast noise and that the conditions attached would provide satisfactory mitigation measure and it is therefore considered the noise impact on residential amenity is acceptable in this specific instance. The proposal is also consistent with NPPF paragraphs 217 as the monitoring and management through existing noise conditions, a new noise management plan and controls on the hours of blasting would ensure unavoidable noise is controlled and mitigated at source, to the minimum possible levels as in this instance noise from blasting cannot be removed at source.
- 10.49. In relation to the impact on tourism in the area stated in the Stutton-cum-Hazlewood Parish Council objection, it is not considered that the addition of blasting would add any significant negative impacts as the conditions stated above would be sufficient to mitigate and control the site and protect the areas residential amenity and public rights of way in proximity to the site. An objection has also been received in regard to the cumulative impact of noise on the area in regard to the original Jackdaw Crag quarry site. It is considered that the current working in the southern extension and wider Jackdaw Crag site has not caused any cumulative impacts and that the addition of blasting in the southern area would not add any significant further impacts in regard to noise. The existing noise management practices at the site would be updated to take into account blasting and any additional noise created through blasting would not cause adverse cumulative effects in terms of the wider Jackdaw Crag site or any other developments in the area and is therefore acceptable.
- 10.50. An objection has been received based on missing information, which has been addressed through additional documentation and is further elaborated on in the



'Consideration of other representations' section (10.82-10.89). The Vibrock Assessment which has been submitted in support of the application is considered to be sufficient for the local planning authority to come to a conclusion on the acceptability of the proposed development in terms of noise. To further support this no statutory consultees have objected on these grounds.

### Noise - Conclusion

10.51. In conclusion, there is no evidence the existing quarrying operations have generated unacceptable level of noise or disturbance. It is considered that the development would not generate noise to levels which would be an unacceptable impact on residential amenity. Furthermore, the mitigation in the form of conditions limiting the impact of the noise on residential amenity should be carried forward from the extant permission as these are still deemed acceptable (draft conditions 12, 13 and 14), with a requirement for an updated Noise Management Plan to take into account blasting at the site (draft condition 15). Additional draft conditions 7, 8 and 10 would also limit the general impact of blasting by restricting the frequency and hours blasting can take place and giving prior notification of a blast, draft conditions 6, 9 and 11 in relation to a test blast (from which a site-specific regression line should be derived, to give the acceptable explosive charge weights to be utilised to keep the vibration levels within the approved limits) and monitoring would also give some further mitigation in relation to noise, as would make sure that there is an on-going process to review the impact of blasting on the area. It is further supported by being in accordance with Policy D02 of the MWJP, Policy SP19 of the Selby District Core Strategy (2013) and Policy SG9 of the Selby Emerging Development Plan as well as national policy contained within the NPPF, PPG for noise and the Noise policy statement for England. However there is tension within 'Saved' Policy ENV2 of the 2005 Selby District Local Plan and of Policy NE8 of the Selby Emerging Development Plan, as preventative measures cannot be fully incorporated. When weighing the impact of noise, including the addition of blasting, in the planning balance it is considered that blasting would not cause an adverse effect on the surrounding area due to the 1 or 2 second noise period, the frequency and time limitations of the blasting and notification of residents which would be conditioned and there are no objections from the EHO. Therefore in relation to the addition of blasting noise although it may be able to be heard and have some impact, this is not considered sufficient to warrant the refusal of this application.

### Green Belt

10.52. The acceptability of the southern extension of Jackdaw Crag Quarry within the West Yorkshire Green Belt has already been established by the previous grant of planning permission C8/2009/1066/CPO, dated 22 September 2016. The following paragraphs will consider the acceptability of blasting in the southern extension area which is within the Green Belt.

10.53. Jackdaw Crag Quarry sits within the West Yorkshire Green Belt and within a Locally Important Landscape. Special consideration has been taken to address the significance of the environmental context the site sits within and the proposed blasting activities that would take place in the quarry. In this regard, the most relevant policies include, Policy D05 of the MWJP Policy SP3 of the Selby District Core Strategy (2013)

and Emerging Local Plan (ELP) Policy SG5 Green Belt and proposals being determined in line with national policy and is subject to significant unresolved objections based on the aforementioned NPPF paragraph 48 tests is given little to no weight. In regard to the NPPF, the most relevant paragraphs include paragraphs 142, 143, 152, and 155. The National Planning Practice Guidance (PPG), states that to assess the impact of the proposal on the openness of the Green Belt, requires a judgement to be made on the individual case, which includes but is not limited to spatial and visual aspects, the duration of development, its remediability and the degree of activity.

- 10.54. Paragraph 142 states that the Government attaches great importance to Green Belts as *'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open'* further stating that *'the essential characteristics of Green Belts are their openness and their permanence'*.
- 10.55. Paragraph 143 of the NPPF is in regard to the five purposes the Green Belt serves. In regard to purpose a) and b) it is considered as the application is not proposing large built-up areas and therefore the two objectives are not relevant and the proposal does not undermine these aspects. Purpose c) is to safeguarding the countryside from encroachment and is also not undermined through this development as blasting activities are maintained within the approved quarry boundaries itself rather than influencing the broader countryside and would be restored after extraction is complete. Purpose d) is the preservation of the setting and special character of historic towns within the Green Belt, it is considered that the site and its proposal is adequately detached from the settlements of Stutton, Towton and Tadcaster and would not undermine this purpose. Lastly point e) the proposal does not involve existing urban areas and minerals can only be extracted where they are found therefore this is not relevant as blasting activities in the Green Belt do not align with this goal or undermine its purpose. To conclude the addition of blasting would not undermine or conflict with any of the five purposes of the Green Belt.
- 10.56. Paragraph 152 of the NPPF states that *'inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 153 states that *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'*, further stating that *'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 155 of the NPPF provides a qualified exception for certain other forms of development including mineral extraction in the Green Belt, providing that it is not inappropriate provided that it preserves its openness and does not conflict with the purposes of including the land within it.
- 10.57. Taking into consideration the relevant policies, NPPF and PPG it should be noted that the principle of quarrying in the southern extension of Jackdaw Crag Quarry has already been approved through extant permission (Ref. C8/2009/1066/CPO) In regard to paragraph 155(a) to not be inappropriate development the proposal is required to preserve the openness of the Green Belt and not conflict with its purposes.

Paragraph 10.55 above considers how the proposed development would not conflict with the purposes of the Green Belt. It is further considered as the proposed blasting operations would remain within the quarry boundaries under the extant permission; it would not signify a material change to the openness of the Green Belt. This is as blasting in comparison to the current extraction methods would not introduce additional visual intrusions beyond what was already approved in the extant permission. This variation of condition application would not introduce development into the area of a scale considered to conflict with the aims of preserving openness of the Green Belt. This distinction is vital in affirming that the openness of the Green Belt would be maintained with the introduction of the proposed blasting. The proposal is to remove condition 7 and allow blasting at the site with no other amendments to the working of the quarry and it is considered the addition of blasting would not create any visual or spatial impacts such as those of disruption to scenic views and loss of open space, ensuring that the proposed development aligns with the fundamental aims and essential characteristics of the openness and permanence of the Green Belt. The proposal is therefore in compliance with Policy D05 of the MWJP, Policy SP3 of the Selby District Core Strategy (2013) as well as being consistent with the NPPF.

### **Landscape**

- 10.58. Jackdaw Crag Quarry already forms part of the landscape and topography of the boundary of the application site and the following paragraphs will consider blasting impact on the existing landscape. The most relevant policies would therefore be, Policy D06 of the MWJP, Policy SP18 of the Selby District Core Strategy (2013). In regard to the NPPF, the most relevant paragraphs include 139, 180 and 189. Natural England have offered no objection to the proposal. The NYC Principal Landscape Architect has been consulted and has expressed no objection to the proposal provided that blasting is controlled by condition and within recognised control limits. The consultee noted that there is no explanation of relative tranquillity in the application and how this might affect local landscape character and setting, however he follows up by stating that within the context of the existing quarry operation, impacts on landscape character and setting (particularly tranquillity) seem unlikely provided that it is localised, infrequent and within recognised standard limits. The consultee further adds that there is no explanation of what infrequent would be. In response to this draft condition 7 limit blasts to 52 a year/ 5 per month was sent within a re-consultation to clarify the frequency of blasting, which the consultee later stated had clarified the point.
- 10.59. Compliance with the stated local plan policies in relation to landscape and the requirements of the Council's landscape expert is achieved through the use of conditions to control the levels of vibration to not exceed the ground vibration limit, which is the peak particle velocity  $6 \text{ mms}^{-1}$  per second at a 95% confidence level, which has been suggested by the applicant's vibration consultant and agreed to be a suitable level of vibration to be conditioned with the EHO. The mitigation measures imposed would limit the effects of blasting to the quarry on the landscape and ensure they are infrequent through the implementation of conditions that limit both the frequency and timing of blasting (Draft Conditions 7 and 8) and within the standard limits set by draft Conditions 6 and 11. The conditions which would control and mitigate the visual impact and dust on the local landscape are within Conditions 30

and 31, these measures would address the impacts on landscape character and setting, and would further aid to protect the landscape and tranquillity of the area in accordance with Policy D06 of the MWJP. This is in line with Paragraphs 180 and 217 b) and c) of the NPPF which requires the protection and enhancement of valued landscapes, no unacceptable adverse impact on the natural environment and also states that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source as well as establishing appropriate noise limits for extraction in proximity to noise sensitive properties. In regard to the previous scheme extant conditions 32 and 33 were for the restoration of the site and required an updated scheme if the pipeline were to affect proposed restoration of the site. With the pipeline now removed the existing restoration scheme is still considered to be acceptable and the two conditions have been combined as condition 36 in the draft schedule.

10.60. It is also considered that blasting would not pose any impact on Crag Wood located north, outside the red line area, thereby safeguarding its landscape. Additionally, the Stutton Ings Site of Special Scientific Interest (SSSI) situated circa 1.5km southeast of the quarry site is considered to be at a sufficient distance from the quarry for blasting to not impact the SSSI.

10.61. In conclusion, the quarry is an established site currently extracting minerals and forming part of the landscape, blasting is considered to have minimal impact on the landscape with no specific changes to the restoration scheme or the operational sites appearance, as it would take place within the existing quarry boundaries and would not lead to any amendments in the restoration scheme or working arrangements at the site, with the site still being subject to conditions that would limit its effects on the surrounding area. The Principal Landscape Architect states no objection provided that blasting is controlled by condition and within recognised control limits as well as localised and infrequent causing no unacceptable impacts on landscape character, setting or tranquillity. Taking into consideration the information provided, it is considered that the removal of condition 7 to allow blasting in regard to the landscape would be acceptable and in accordance with Policy D06, as blasting would have no unacceptable impact on the quality or character of the landscape as the site is already an operational quarry. In regard to Selby Local Plan policy SP18 as blasting would not detract from the local distinctiveness of the area is it considered compliant with this policy as well as NPPF paragraph 180 and 217.

### **Ecology**

10.62. Taking into account the current situation on site, it should be noted that the extant decision notice C8/2009/1066/CPO contains conditions in regard to restoration and ecology which would be brought forward to this permission. Extant Condition 33 requires within 12 months of the completion of development the restoration of the site in accordance with the submitted plan title "conceptual Southern Extension" (Ref. 921R006, dated 9th September 2009). Condition 30 from the extant permission details how the ecology of the site will be safeguarded by ensuring no vegetation within the site is removed during bird nesting season. The following paragraphs will consider the introduction of blasting within the southern extension and the wider ecology of the site.

- 10.63. The application sets out the potential of effects from blasting at the site on ecological receptors identifying the presence of a Schedule 1 Wildlife and Countryside 1981 protected species, nesting on the cliff of Jackdaw Crag Quarry. The document states that no direct impacts are anticipated on protected or notable species due to the proposed blasting at the Site. The potential for indirect impacts on the protected species from noise and vibration is addressed noting that the species are protected from intentional or reckless harm and disturbance at nest sites. The nearest recorded nest is buffered by the open active quarry and woodland. The document states that protected species commonly nest in active quarries and are unaffected by regular blasting.
- 10.64. The most relevant policies include, Policy D07 of the Minerals and Waste Joint Plan (adopted 2022), Policy SP18 of the Selby District Core Strategy (2013). Emerging Local Plan (ELP) Policy NE4 Protecting and Enhancing Landscape Character is not subject to significant unresolved objections and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. In regard to the NPPF, the most relevant paragraphs are 180 and 186.
- 10.65. The submitted ecology report concludes that no direct impacts are anticipated, and indirect impacts from noise and vibration are considered minimal. After this was provided the NYC Ecologist concluded that the further information presented a reasonable case that effects of the proposed development are likely to be minimal. The Yorkshire Wildlife trust offered no comments and Natural England offered no objection to the proposed development. The effects of blasting on the ecology of the site would be further controlled and limited by conditions which target the effects that would arise from vibration, dust, and noise. It is therefore also considered that in terms of biodiversity this proposal would have no impacts in terms of climate change. The previous permission included a condition in relation to a badger survey which was undertaken in 2016, which showed that there were no badgers in or around the application site and no optimal badger habitats, therefore it is considered that this condition will not be carried forward to this permission.
- 10.66. Taking into account the letters of representation objecting with 'concerns on the damage to local wildlife,' the observed tolerance of the species of the site, the conditions that would be in place and the lack of other effects to the wider ecology presents a reasonable case that blasting would not have adverse effects on the ecology of the site. This is in accordance with Policy D07 of the Minerals and Waste Joint Plan (2022) and Policy SP18 of the Selby District Core Strategy (2013), which require safeguarding biodiversity and minimizing cumulative impacts and Policy NE4 of the Selby Emerging Development Plan which supports the protection, restoration, and enhancement of wildlife and their habitats, ensuring that developments retain, protect, and enhance ecological features and can be given some weight due to the stage of the plan. Paragraphs 180 and 186 of The NPPF state that developments should avoid significant harm to biodiversity and it is considered in this instance the addition of blasting would not have any significant harm to biodiversity.

10.67. Taking into consideration the information provided, it is considered that the removal of condition 7 to allow blasting in regard to ecology would be acceptable and in accordance with Policy D07 of the Minerals and Waste Joint Plan (adopted 2022), Policy SP18 of the Selby District Core Strategy (2013) and Policy NE4 of the Selby Emerging Development Plan as well as national policy contained within the NPPF.

### **Water Contamination**

10.68. The application site is located above a principal magnesian limestone aquifer supplying groundwater to the nearby brewery industry in Tadcaster. The aquifer is categorised by the Environment Agency as a Source Protection Zone 1 area. The letters of representation objecting in regard to water contamination, have concerns with the additional risk of water contamination and impact to residential boreholes and ground source water supply from the aquifer due to the removal of condition 7 to allow blasting. In terms of policy D09 (2) of the MWJP in regard to the Water Environment gives a very high level of protection to principal aquifers and groundwater source protection zones. Within extant planning permission C8/2009/1066/CPO conditions have been established for the protection of water to ensure that the sensitive groundwater lying beneath the proposed site, which is used for human consumption including residential boreholes utilised for water collection, remain uncontaminated. The conditions which ensure the continued protection of water from contamination are conditions 12, 13, 14, 15, 16, 17, 18, 19 and 20. The extraction depth of mineral at the site has not been proposed to be amended and would remain as a vertical distance of 1 metre from the maximum recorded groundwater level across the site, which is conditioned through draft condition 21.

10.69. It is acknowledged that the principal aquifer is an important resource for commercial users of water in the area, who rely on its availability and the impact of any development on this is a consideration in the determination of the application and this is taken into account through policy D09 of the MWJP. There is a requirement within the MWJP paragraph 9.71 to also take into account Environment Agency position statements in relation to quarrying, however at present there is no Environment Agency position statement which is relevant to this development. There is a further requirement to take into account the aims and objectives of the Water Framework Directive, which includes making sure all development takes the necessary measures to ensure that no deterioration of groundwater takes place. The importance of the groundwater supplies is also considered in paragraph 7.24-7.26 of the Selby Local Plan (2013), stating there are a number of abstraction wells in the southern part of the district and the public water supply is very susceptible to contamination.

10.70. It should be noted that the Environment Agency has no objection to the removal of condition 7, and further states that although the quarry is in a source protection zone 1 (SPZ1), condition 7 is related to noise and dust and falls outside their remit. Taking into account the Environment Agency response and the information submitted with the application, blasting at the site would not have any significant impact on the principal aquifer or cause any water contamination. Although objectors have concerns in terms of water contamination the information provided with the application, states that the only environmental concerns from the addition of blasting

are in relation to noise, vibration and air quality and this is considered to be correct with blasting adding no further impacts to the aquifer or water contamination which can not be controlled through the existing conditions in relation to the site. The existing conditions in relation to the site, are still appropriate and would be carried over to this permission as conditions 16-24 in the draft schedule, which are detailed below:

- Draft Condition 16 carries forward the requirement for the scheme for “risk associated with contamination of the site” which was approved via condition (approved document Appendix E – Controlled Waters Risk Assessment Report and further supporting information) which was extant condition 12.
- Draft Condition 17 carries forward the requirement of a verification report which was approved via condition (approved document Appendix E – Controlled Waters Risk Assessment Report and further supporting information), which was extant condition 13.
- Draft Condition 18 carries forward with no amendments extant condition 14 in relation to monitoring and maintenance and a final report in regard to long term site remediation.
- Draft Condition 19 carries forward with no amendments extant condition 15 in relation to the actions the operator has to take if there is contamination on site.
- Draft Condition 20 carries forward with no amendments extant condition 16 in relation to there being no dewatering at the site.
- Draft Condition 21 carries forward with no amendments extant condition 17 in relation to their being no quarrying or excavation within 1 metre of the maximum recorded groundwater levels.
- Draft Condition 22 carries forward the requirement of the groundwater monitoring scheme which was approved via condition (approved document Appendix E – Controlled Waters Risk Assessment Report and further supporting information), which was extant condition 18.
- Draft Condition 23 carries forward the requirement of surface and foul water drainage which was approved via condition (approved document Appendix E – Controlled Waters Risk Assessment Report and further supporting information), which was extant condition 19.
- Draft Condition 24 carries forward with no amendments extant condition 20 in relation to the requirements in relation to the storage of oils, fuels or chemicals.

10.71. These above conditions with the addition of blasting still provide sufficient control that the proposed development would not add any unacceptable impacts on surface or groundwater quality and would maintain the very high level of protection for the principal aquifer would be maintained with no unacceptable risks, which is in compliance with Policy D09 of the Minerals and Waste Joint Plan and the aims and objectives of the Water Framework Directive. It is also in compliance with Policy SP18 of the Selby local plan as the development would protect water quality from all types of pollution through appropriate conditions. In regard to the NPPF, the most relevant paragraph would be paragraph 180(e), it is considered this development does not conflict with the aims of this paragraph due to preventing unacceptable levels of water pollution through the previously stated conditions. In regard to 180(e) although the application does not provide any help to improve water quality in the area, the proposed development is not considered to cause any unacceptable risk. The

proposal is also in compliance with policy NE8 in regard to groundwater pollution as the proposal would include conditions judged to include sufficient preventative measures in regard to preventing groundwater pollution.

- 10.72. Subject to the aforementioned conditions, it is considered that the extant robust measures designed to mitigate the impact of quarrying within the Southern Extension in regard to water contamination and the further implementation of conditions to control the impacts of blasting, would effectively mitigate the overall effects in regard to the principal aquifer and water contamination, whilst also limiting the impact of climate change. This is in accordance with Policy D09 of the MWJP, SP18 of the Selby Local plan, the Water Framework Directive, as well as national policy contained within the NPPF.

### **Highways**

- 10.73. Taking into account the current situation on site, it should be noted that extant condition 24, 25 and 31 would be brought forward to this permission (Draft conditions 28, 29 and 34 in the updated schedule). No new conditions have been proposed by the applicant, however after discussion, Draft Condition 35 has been included which would limit the number of HGV movements to the approved figures in extant planning permission C8/2009/1066/CPO. 'Saved' Policy T1 of the 2005 Selby District Local Plan states development proposals must connect well to existing roads, which should have enough capacity and safety, unless the developer makes necessary off-site improvements. The NPPF paragraph 115 further states development should only be prevented on highway grounds if it poses an unacceptable safety risk or if the cumulative impact on the road network is severe.
- 10.74. In consideration of 'Saved' Policy T1, the current use of the public highway network by the quarry commences by accessing the site via the A659 exit to Tadcaster from the A64, then turning south onto Garnet Lane and then into Moor Lane which crosses back over the A64 to the site. This route was approved in extant permission C8/2009/1066/CPO and is enforced through the S106 agreement. This would be carried forward in the deed of variation for this application, with no additional capacity in the number of vehicles. Extant condition 24 (Draft condition 28 in the schedule attached to this report) would remain the same through this permission with the existing access to the site being the only access from the public highway. The Highway Authority has not objected on the basis that there would not be an increase in HGV movements or extension to the life of the quarry. The proposed removal of condition 7 to permit blasting would not lead to an increased mineral yield for the quarry, and as such, there would be no change to the current traffic volume. Draft condition 34, carried over from the extant permission, would manage HGV parking on site. It is considered that with no increase in movements in relation to highways this development would have no additional impact on climate change to that which has been previously consented.
- 10.75. The objections and representation from the Stutton-cum-Hazlewood Parish Council raised concerns on highway matters due to the potential for increased 'lorry traffic and parking,' 'lorry traffic not following regulations and the continuous generation of mud by HGVs, attributed to what is perceived by the public as an



inadequate wheel bath facility on site. In regard to the complaint on the wheel wash facility present on site, records show that there has been only one complaint at Jackdaw Crag Quarry made in 2014 which concerned the lime film deposit on the highway, which was promptly resolved, with no further complaints recorded since or specifically related to the southern extension area. It is considered that the existing procedures for wheel washing at the site are sufficient to control the effects of mud and dirt and would be continued to be controlled via condition (draft condition 29 in the schedule) as it is considered reasonable to assert that the wheel wash facility is effectively managed and would continue to pose no issues. Taking into account the objections regarding lorry traffic, parking and not following regulations, the removal of condition 7 to allow blasting would not change any of these aspects and they would continue to be enforced through draft conditions 27 (hours of operation), 28 (Access to the public highway) and condition 34 which enforces the quarry to at all times be carried out in accordance with the scheme for the management of HGV parking on site.

10.76. National Highways responded to the removal of condition 7 after further information was submitted in relation to the application with no objections stating that the proposed development would not have a material impact on the operation of the Strategic Road Network from the information provided covering noise and flashes. It is considered that with no objection from National Highways or the Local Highways Authority that the information submitted with the application is sufficient and the addition of blasting would not have an impact on the strategic road network. This is due to the vibration levels being within an acceptable level in relation to the A64. In regard to air overpressure the information provided does not suggest that this would cause an issue to the strategic road network or driver distraction on the network. The air overpressure predictions stated in conjunction with the vibration limits through draft condition 6 give sufficient confidence in this and as stated in paragraph 10.18 of this report an air overpressure limit is not considered required due to the inconsistencies with the collection of data, however in this instance monitoring of air overpressure is still included in condition 11 to inform the Council of blasting processes at the site to help resolves issues in the future if any arise.

10.77. In conclusion, National Highways and the Highway Authority have not objected to the proposed development, and it is considered there would be a continuation of the existing access arrangements, with no additional HGV capacity proposed, would result in not adverse highway impacts. The proposed development would maintain the existing highways control measures being utilised at the site, which are still deemed sufficient to mitigate the impact of the site. It is therefore considered that this proposal would not add any unacceptable impacts on the highway network in accordance with 'Saved' Policy T1 of the 2005 Selby District Local Plan as well as paragraph 108 and 115 of the NPPF.

### **Heritage**

10.78. It is necessary to consider the impacts of the proposed removal of condition 7 to allow blasting on the heritage assets of the wider area. The Archaeologist's response states the existing condition 28 requiring archaeological recording works are in line with an agreed Written Scheme of Investigation and that this scheme would not

prejudice the archaeological condition, as blasting would only occur on the harder rock found at depth, with any archaeological deposits already recorded.

- 10.79. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be paid in the exercise of planning functions to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. The consideration of potential harm to heritage assets is considered within paragraphs 205-210 of the NPPF which sets out how to consider the impact or harm of a proposed development on the significance of a heritage asset.

Policy D08 of the MWJP states Minerals development will be permitted if it conserves and, where possible, enhances the area's heritage assets and their settings, with emphasis is placed on conserving elements that contribute most to the area's distinctive character and sense of place. Further stating proposals causing less than substantial harm to a heritage asset are to be permitted if public benefits outweigh the harm. Policy SP18 of the Selby Local Plan states developments should maintain and enhance the historic and natural environment, including important landscapes and conserve historic assets that contribute to the district's character while taking into account a development's potential for economic, tourism, educational, and quality of life benefits. Emerging Local Plan (ELP) Policies SG12 and SG13 require the former Selby district area's heritage assets will be preserved and where appropriate enhanced in a manner commensurate to their significance. These policies are not subject to significant unresolved objections and based on the aforementioned NPPF paragraph 48 tests is given moderate weight.

- 10.80. Paragraph 205 of the NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this case the heritage asset in question is a Grade II listed Milestone approximately 0.25 miles from Junction with Sutton Lane. This milestone is an old historical marker placed on the side of the road A659 road to indicate distance and provide directions. The milestone list entry number in the Historic England register is 1132446. The milestone sits over 800 metres from the southern extension of the Quarry; and its importance has been considered during the application process and considerable weight has been given to the asset's conservation. Paragraph 206 of the NPPF states that any harm or loss of the importance of a designated heritage asset, whether due to alteration, destruction, or development within its surroundings, must be supported by clear and convincing justification. In this case it is considered that the proposal to allow blasting would not cause any harm or loss to the significance of the listed asset or its setting due to the large separation distance of 800 metres in from the site.

- 10.81. Given the great distance between the site and the milestone it is considered that no harm would be brought about to the heritage asset or its setting. Since there is no harm to the heritage asset or its setting, there is no requirement for an assessment of public benefits that outweigh the harm. The proposal aligns with Policy D08 of the

MWJP and Policy SP18 of the Selby District Core Strategy (2013), which are consistent with the NPPF.

### **Consideration of Other Representations**

- 10.82. An objection was received stating that the application had missing information including the following: assumed blast design, data from the monitoring of typical production blasts at quarries working similar strata and information obtained from the review of historic blast records from 1996 to 2007. A new updated document highlighting missing information was submitted by the Applicant including the assumed blast design can be found detailed within Paragraph 8.4 of the 'Assessment of Environmental Impact of Blasting' report and is based on discussions with the applicant. The details of monitoring of production blasts on similar strata are provided in Figure 2 and Table 4 of the amended report, detailing the regression analysis utilised which supports the view that there would be no significant impacts from blasting. Although this new information has been submitted, the representation has not been withdrawn by those objecting, however the Council believes that the information provided is satisfactory for the planning authority to assess the impact of blasting and make a recommendation to the strategic planning committee.
- 10.83. In respect of the information requested by the objector regarding the review of historical site records from 1996 to 2007, the applicant reviewed site blast monitoring data and found that historic vibration levels at Jackdaw Crag matched predictions. However, the stored data lacked details on the separation distance between the blast and the monitoring location so a site specific regression line could not be provided. The applicant states that as found within 10.7 of the Vibrock Report, it is recommended that the first blast on site be deemed a test blast from which vibration regression analysis should be conducted. Furthermore, the applicant states *'this is standard practice at sites at which the derivation of a site-specific regression line is not possible.'* The planning authority's judgement in regard to this is that the test blast condition (draft condition 9 in the schedule) sufficiently mitigates the impact of blasting and gives the opportunity to verify and update the figures within the assessment.
- 10.84. Further information has been requested by the objector regarding the 2009, 2014 and 2015 Environmental Statement (ES) as well as condition 8, 10 and 11 of the extant planning permission (C8/2009/1066/CPO). The first point requested in the representation is the 'chapter 8 Appendices on noise from the 2009 ES, including the Technical Appendix and any drawings and noise models or plans'. This information can be found within the document '150514\_NY20090523ENV\_ES\_Addendum\_2015\_Appendices' pertaining to application NY/2009/0523/ENV on the Council's online planning register. The second point requested was 'updates to appendices from the 2014 and 2015 ES that consider the noise impact of the proposed southern extension'. This information can be found within document: '150514\_NY20090523ENV\_ES\_Addendum\_2015\_Appendices' online and within point 8.44 to 8.96.
- 10.85. The planning authority's judgement in regard to the first and second point is that these are approved documents in relation to the extant permission. The

documents are publicly accessible on the online planning register and it is not considered that they are required or required to be updated in the determination of this planning application. Furthermore this proposal has been screened and the direction from the Secretary of State makes clear that the applicant was not required to submit a further Environmental Statement in relation to this application.

- 10.86. The third point requested was the *'assessment of plant noise impact that supports the noise mitigation measures set out in the discharge of Condition 8 of the extant planning permission'*. This can be found online within 'SUBMISSION OF DETAILS PURSUANT TO CONDITION NUMBERS 3, 8, 11, 12, 13, 18, 19, 29, AND 31 OF PLANNING PERMISSION C8/2009/1066/CPO' Document dated October 2016 and its accompanying appendices and drawings (except Appendix E) and subsequent submission of aforementioned Appendix E received 8<sup>th</sup> July 2021. The information for condition 8 is contained in the document 'Submission of Details – Conditions 3, 8, 11, 12, 13, 18, 19, 29 & 31 on pages 8 to 9 (points 3 to 3.5) and Appendix C of this document on Page 28-38. Page 38 is a plan named Figure 8.1: Site Layout, Baseline Noise Measurement Location & Assessment Locations, which shows the noise measurement locations. The planning authority's judgement in regard to point three is that these are approved documents submitted under a discharge of condition application. The documents are publicly accessible on the online planning register and it is not considered that they are required in the determination of this planning application. The information in this document includes the requested noise data and are not required to be updated in relation to the variation of condition application submitted to amend the condition restricting blasting occurring on the site.
- 10.87. The fourth point requested in the representation is the *'Assessment of the operational noise impact of the quarry operations including the southern extension as required by Condition 10 of the extant planning permission'*. This condition would require submitting an assessment of compliance with the condition's noise limits, 6 months from the commencement of the decision notice as stated within draft condition 14. The planning authority's judgement in relation to point 4 is that it is deemed acceptable that this information is conditioned to be submitted after the determination of the application and is not required to conclude the acceptability of the application in this instance.
- 10.88. The fifth point requested in the representation is the *'results of first phase of noise monitoring as required by Condition 11 of the extant planning permission and any subsequent phases of monitoring that are available'*. This condition was discharged through application 'NY/2021/0098/A27 however the agent further provided the latest noise monitoring results, which are available on the online planning register. The planning authority's judgement in regard to the point five is that these are publicly accessible on the online planning register and it is not considered that they are required in the determination of this planning application.
- 10.89. It is considered that all the possible 'missing' information has now been addressed. The updated blast design provided clarity on operational methods, while the monitoring data confirmed that predicted vibration levels align with real-world observations, supporting the view that there would be no significant impacts from

blasting. The applicant stated in response to the representation that the historical records, although incomplete for precise plotting indicated that past vibration levels (when blasting was previously approved in other parts of Jackdaw Crag Quarry) were within predicted ranges, and the recommendation for an initial test blast added further assurance. Additionally, the Environmental Statements from 2009, 2014, and 2015, along with details related to conditions 8, 10, and 11 of the extant planning permission, were reviewed and found acceptable, confirming that noise impacts have been considered, with draft condition 14 now requiring to submit an assessment of compliance with the condition's noise limits, 6 months from the commencement of the decision notice as stated. The noise monitoring results provided by the agent for extant condition 11 shows compliance with noise limits. The additional information supports the conclusions found in the original report submitted by the applicant. This gives the council sufficient confidence that the proposed blasting would not result in significant negative impacts and that no further information is required prior to determination.

### **Amendments to Conditions**

- 10.90. The draft set of conditions within Section 12.0 of this report have been taken from the decision notice of the extant permission Ref.C8/2009/1066/CPO (22 September 2016) and subsequently amended where considered necessary. The changes proposed are clarified in the following paragraphs to explain reasoning for the updated conditions as well as being set out in the paragraphs above in the relevant section. In regard to conditions discharged under the extant permission, these are conditions: 3, 8, 11, 12, 13, 18, 19, 29 and 31 which were approved on the 26 April 2021.
- 10.91. Extant condition 4 determines the duration of the previous planning permission, this proposed a seven year period of extraction. The new draft condition found as draft condition 4 has replaced the 7-year time period with a dated time limit to the 1<sup>st</sup> June 2028. This new date takes into account the commencement of the extraction post-dating the Supreme Court's judgment in 2021 which paused activity on site until the 1<sup>st</sup> of June 2021. This date is considered the date of commencement of limestone extraction as confirmed by the applicant therefore seven years takes the permission to the 1<sup>st</sup> June 2028 (Condition 4 in the draft schedule).
- 10.92. Extant Conditions 6 and 32 in relation to the pipeline which travels along the quarry site are not considered to be required to be brought forward to this permission on the basis that the pipeline has since been decommissioned. This has been confirmed by National Gas Transmission on the 24 July 2024.
- 10.93. Extant Condition 11 required the submission of a Noise Management Plan was approved on the 26 April 2021. However, a further Noise Management Plan would be required to be submitted to the Local Planning Authority for approval in writing 3 months of the date of the decision should permission be forthcoming (Condition 15 in the draft schedule).
- 10.94. Extant Condition 10 required within 6 months an assessment of compliance with noise limits, this would be carried forward and an assessment would be required

to be submitted within 6 months of the date of the decision notice should permission be forthcoming (Condition 14 in the draft schedule).

- 10.95. Extant Condition 26 regarding the 'Dust Mitigation Scheme', has been updated to reflect current standards. The development is proposed to now be carried out in accordance with the 'Jackdaw Crag Procedure for Monitoring and Controlling Dust Emissions' submitted to the Local Planning Authority on 20 January 2023, should permission be forthcoming.
- 10.96. Extant Condition 29 was in relation to a prior to commencement badger survey. This was discharged through SUBMISSION OF DETAILS PURSUANT TO CONDITION NUMBERS 3, 8, 11, 12, 13, 18, 19, 29, AND 31 OF PLANNING PERMISSION C8/2009/1066/CPO' Document dated October 2016 and its accompanying appendices and drawings; and, subsequent submission of Appendix E received 8th July 2021. The survey that was completed indicated that badgers were not present and there is no optimal badger habitat therefore this condition has been removed as a requirement in relation to this application.
- 10.97. Extant Conditions 32 and 33 have been combined to be one restoration scheme condition requiring the site to be restored within 12 months of extraction being completed in accordance with the approved scheme. Paragraph 10.61 gives further detail why a further landscape scheme as stated in the extant condition is now not required.
- 10.98. All other conditions will be brought forward from the previous extant permission Ref.C8/2009/1066/CPO (22 September 2016) with no amendments.
- 10.99. Extant Condition 7 would be replaced with draft condition 6 (vibration levels), draft condition 7 (frequency of blasting), draft condition 8 (hours of blasting), draft condition 9 (test blast), draft condition 10 (notification of blasting) and draft condition 11 (blast monitoring).

#### **S106 Agreement**

- 10.100. The current Section106 Agreement would be required to be amended through a Deed of Variation in order to amend the definition of the application to reflect the current reference number instead of the previous reference number which is C8/2009/1066/CPO. The original S106 agreement secured a detailed restoration and management plan and a lorry routing scheme.
- 10.101. A draft Deed of Variation has been submitted from the applicant, which is available on the online planning register to view.

#### **The Equality Act 2010**

- 10.102. North Yorkshire Council 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 socio economic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they will not have a significant impact on groups with 'protected characteristics'.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application in accordance with the development plan as a whole unless material considerations (including the NPPF and emerging plans) indicate otherwise. The assessment of material considerations within the overall 'planning balance' has been undertaken in Section 10.0 of this report.
- 11.2 The information provided in support of the application is considered to be sufficient, to address the likely significant effects without giving rise to matters of any material degree warranting the re-consideration of the assessments of the proposal as presented by the applicant.
- 11.3 The proposed development receives support, or avoids conflict with, a number of 'development plan' policies such as those policies, which seek to prevent, minimise or mitigate against a number of potential harms. The issues weighed in the 'planning balance' include whether impacts of vibration, dust and noise from blasting would be outweighed by the need for the proposed development.
- 11.4 In terms of the principal of the development Policy M09 of the MWJP identifies a specific provision of utilising existing sites for the extraction of Magnesian limestone, it is considered that the proposal is in compliance with this policy as the addition of blasting is required so the site can fully extract the 6.9 million tonnes of reserve to contribute to the requirements over the plan period. The proposal would also be in compliance with D01 of the MWJP, SP1 of the Selby District Core Strategy, 'Saved' policy ENV1 of Selby Local Plan and SG1 of the emerging Selby Plan as would give a solution to allow the full extraction of the approved minerals reserve within the Southern extension at Jackdaw Crag Quarry, while still achieving a good quality of development.
- 11.5 In regard to the impact of vibration from the proposed development the Environmental Health Officer has confirmed no objection subject to Draft Condition 6 (Limitations on Vibration levels), Draft Condition 7 (Frequency of Blasting), Draft Condition 8 (Hours of Blasting), Draft Condition 9 (Test Blast), Draft Condition 10 (Notification of Blasting) and Draft Condition 11 (Monitoring of Blasting). These conditions would give sufficient control of blasting and protect residential amenity in terms of vibration. National Gas Transmission also states no objections and have no issues with the vibration assessment submitted with the application. It is considered that the impact of vibration is able to be sufficiently mitigated through the imposition of conditions to limit any significant impacts from blasting at the site.
- 11.6 Although blast noise is not able to be fully controlled through condition or specific mitigation due to the nature of the blasting, the draft conditions to control the impact of blasting are considered sufficient in this instance to stop any unacceptable impacts on the residential amenity or the local area including in relation to noise. In regard to dust the "Jackdaw Crag Procedure for Monitoring and Controlling Dust Emissions" plan, would be required to be updated through condition 30 to take into account

blasting at the site, which is deemed an acceptable approach to limit the impact of dust on amenity in conjunction with condition 31 in regard to dust suppression measures.

- 11.7 It is therefore considered in regard to vibration, noise and dust the proposed development is in compliance with Policy D02, D14 of the MWJP and Policy SP15, SP18 and SP19 of the Selby District Core Strategy (2013), ENV2 of the saved Selby Local Plan and policies NE7, NE8 and SG9 of the Selby Emerging Development plan. The draft conditions to mitigate the impact of the blasting on residential amenity also meet the requirements of the Selby Environment Health Officer, with the consultee is satisfied that the removal of the condition would not cause any harm, as the effect are likely to be minimal. The proposal is therefore deemed acceptable in the planning balance as the minimal impacts from blasting are outweighed due to the need for the extraction of the magnesian limestone from the existing quarry site with an extant permission.
- 11.8 The application and additional information have been assessed and it is considered on balance that there is a need for the mineral and there would be no unacceptable adverse environmental impacts resulting from the proposed blasting. Furthermore, it is considered that the proposed development, would not lead to a change to the landscape from the existing scheme in compliance with Policy D06 of the MWJP, Policy SP18 of the Selby District Core Strategy (2013). It would preserve the openness of the Green Belt and its purposes in compliance with Policy D05 of the MWJP Policy SP3 of the Selby District Core Strategy (2013) and Policy SG7 of the Selby Emerging Development Plan and the NPPF. The proposal would be in compliance with 'Saved' Policy T1 of the 2005 Selby District Local Plan in regard to the local highway network and consistent with paragraphs 108 and 115 of the NPPF. The proposal is in compliance with ecological policies D07 of the Minerals and Waste Joint Plan (adopted 2022), Policy SP18 of the Selby District Core Strategy (2013) and Policy NE4 of the Selby Emerging Development Plan. In regard to the principal aquifer and the water environment it is considered that the application would maintain the very high level of protection with no unacceptable risks due to the blasting conditions and conditions to be brought forward from the existing scheme therefore is in compliance with Policy D09 of the MWJP, SP18 of the Selby Local Plan, the Water Framework Directive aims and NE8 of the Selby Emerging Development Plan. The proposed development would also not lead to an unacceptable impact on in regard to climate change as would not continue minerals extraction in an existing quarry, with no additional HGV movements or plant, control environmental impacts in relation to biodiversity, air and water quality and continue to include restoration requirements. For these reasons it is considered that, blasting within the existing southern extension area at Jackdaw Crag quarry is acceptable and would not be inappropriate development in the Green Belt.
- 11.9 Having regard to the overall planning balance, it is considered that the benefits of the proposal outweigh any identified harm. The proposed development is considered to be in compliance with the development plan as a whole and there are no material considerations which warrant the refusal of the application, and the recommendation is therefore that planning permission be GRANTED subject to conditions listed below and the prior completion of a deed of variation to the S106 agreement.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to the prior completion of a Deed of Variation and the conditions listed below.



**Conditions:**

1. The development hereby permitted shall be carried out in accordance with the application details dated 14 September 2022 and the following approved documents and drawings:

<u>Ref.</u>	<u>Date</u>	<u>Title</u>
N/A	September 2022	Location plan
N/A	September 2022	Planning Statement

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

2. The development hereby permitted shall be carried out in strict accordance with the application details from the 14 September 2022 including those contained in the Environmental Statement and appendices, as amended in May 2014 and May 2015; the Written Scheme of Investigation (July 2010); extraction sequence plan (October 2010); and further details submitted by the applicant dated 25 January 2010 and 21 July 2011 (with regard to flood risk; a programme of implementation; proposed mitigation scheme; Archaeological Evaluation and a Written Scheme of Investigation for Final Archaeological Mitigation), together with further information supplied within the Revised Planning Support Statement (May 2015) as well as other details as may be subsequently approved and the following conditions, which at all times take precedence.

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

3. The development shall at all times be carried out in accordance with the location of the plant, processing equipment and location of all proposed material storage areas (soil and aggregate), including details of height parameters contained in Section 2 of the 'SUBMISSION OF DETAILS PURSUANT TO CONDITION NUMBERS 3, 8, 11, 12, 13, 18, 19, 29, AND 31 OF PLANNING PERMISSION C8/2009/1066/CPO' Document dated October 2016 and its accompanying appendices and drawings; and, subsequent submission of Appendix E received 8th July 2021.

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

**Duration of planning permission**

4. The development hereby permitted authorises the extraction of magnesian limestone until 1 June 2028 after which time those operations shall be discontinued and the land restored entirely in accordance with the agreed Detailed Restoration and Management Plan as contained within the Section 106 Legal Agreement.

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

**Limitation to the permission**

5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any other Act revoking or re-enacting the order, no plant or buildings shall be erected within the application site without the prior grant of planning permission.

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

**Limitations on Blasting**

6. Blasting shall be undertaken in such a manner as to ensure that ground vibration, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (ppv) of 6 mms<sup>-1</sup> per second at a 95% confidence level at any vibration sensitive property.

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

7. The operator shall adhere to a maximum frequency of 52 blasts in any calendar year, with no more than 5 blasts in any calendar month. This condition shall not apply in emergency situations and in such situations the operator shall inform the Local Planning Authority in writing of the emergency situation within 24 hours of the event.

*Reason: To control and limit the frequency of blasting activities with the aim of safeguarding the amenities of the area.*

8. No blasting shall be carried out on any part of the site except between the hours of 0800-1800 hours Monday to Friday. No blasting shall take place on weekends, Bank, or Public Holidays. This condition shall not apply in emergency situations outside these hours and in such situations the operator shall inform the Country Planning Authority in writing of the emergency situation within 24 hours of the event.

*Reason: To ensure the rights of control of the Local Planning Authority and to control the impact of noise and vibration generated by the development in the interests of local amenity.*

9. The first blast conducted will be considered a test blast to record air and ground vibration from Warren Cottage or an approximate alternative location. From the vibration readings taken during the test blast a regression line and distance table will be produced to determine the applicable maximum instantaneous charge at any given distance between the blast site and the closest property to conform with the upper PPV limit of 6mm/sec. This information must be submitted to the Local Planning Authority within 7 days of the test blast.

*Reason: To ensure that the impact of blasting on the surrounding environment and community is accurately assessed and minimized.*

10. Prior to any blasting operations, excluding emergency blasts, the quarry shall provide notification to the Stutton with Hazlewood Parish Council, Warren Cottage, Warren House Farm and The Old School House. The notification shall include details of the

planned blasting operations, including the date and time of the blast, as well as the contact details for the site manager or other designated personnel to whom residents can communicate in the event of any disturbance or concerns.

*Reason: To ensure that nearby residents are informed and to minimise any potential disturbance or inconvenience caused by the blasting operations.*

11. The operator shall monitor vibration levels and air overpressures from blasting. The measurement is to be taken from Warren Cottage or an approximate alternative location and the results of monitoring shall be retained for a period of 12 months and made available to the Local Planning Authority upon request.

*Reason: In the interests of amenity.*

### **Noise**

12. The development shall at all times be carried out in accordance with the scheme of details to control noise from the use of fixed and/or mobile plant and Heavy Goods Vehicles (HGVs) at the site contained in Section 3 of the 'SUBMISSION OF DETAILS PURSUANT TO CONDITION NUMBERS 3, 8, 11, 12, 13, 18, 19, 29, AND 31 OF PLANNING PERMISSION C8/2009/1066/CPO' Document dated October 2016 and its accompanying appendices and drawings; and, subsequent submission of Appendix E received 8th July 2021.

*Reason: In order to safeguard the amenity of residents and to ensure that noise is kept to within agreed levels.*

13. The noise levels LAeq (1 hour) operated by the quarrying operations at the site shall not exceed 47.8dB at monitoring location R1 as defined in the Environmental Statement (as shown on Figure 8.1: Site Layout, Baseline Noise Measurement Location & Assessment Locations, of Technical Appendix A1.0: Environmental Statement 2009, found within Environmental Statement – Addendum Appendices 2015).

*Reason: In order to safeguard the amenity of residents and to ensure that noise is kept to within agreed levels.*

14. The noise levels LAeq (1 hour) operated by the quarrying operations at the site shall not exceed 53.3dB at the garden of Warren Cottage subject to a temporary limit of 70dB for a maximum period of up to 8 weeks in any one year. Within 6 months of the date of the decision notice, an assessment of compliance with the above noise level limits shall be undertaken and submitted, which shall include a timescale for the delivery of any necessary noise mitigation measures. The methodology for the compliance assessment shall be submitted to and agreed with the local Planning Authority in advance of the assessment.

*Reason: In order to safeguard the amenity of residents and to ensure that noise is kept to within agreed levels.*

15. Within 3 months of the date of the decision, details of an update Noise Management Plan shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include details of the following.

1. Noise monitoring locations which for the avoidance of doubt, should include those in the vicinity of the site;
2. Details of monitoring equipment to be used;
3. A plan identifying the position of all monitoring locations (taking into account the nearest noise sensitive receptors)
4. Monitoring periods;
5. Frequency of monitoring (6-month intervals);
6. The recording of the monitoring results, including provision for the results to be made available to the Local Planning Authority on request and
7. A programme of implementation.

The approved scheme for the monitoring of noise emitted from the site shall thereafter be implemented in full and reviewed on an annual basis. In the event that complaints are received, and the noise levels are exceeded, those operations at the site causing the excessive noise shall cease immediately with steps taken to attenuate the noise level to ensure compliance with the specified levels, including the frequency of noise monitoring being increased to 3-month intervals.

*Reason: In order to safeguard the amenity of residents and to ensure that noise is kept to within agreed levels.*

### **Water Protection**

16. The development shall at all times be carried out in accordance with the risk management scheme to controlled waters contained within Section 4 of the 'SUBMISSION OF DETAILS PURSUANT TO CONDITION NUMBERS 3, 8, 11, 12, 13, 18, 19, 29, AND 31 OF PLANNING PERMISSION C8/2009/1066/CPO' Document dated October 2016 and its accompanying appendices and drawings; and subsequent submission of Appendix E received 8th July 2021.

*Reason: To ensure that the sensitive groundwater (Source Protection Zone 1 for the Tadcaster Breweries) lying beneath the proposed site, which is used for human consumption, is protected from pollution.*

17. The development shall at all times be carried out in accordance with the verification report demonstrating completion of works set out in the approved remediation strategy contained within Appendix E of the 'SUBMISSION OF DETAILS PURSUANT TO CONDITION NUMBERS 3, 8, 11, 12, 13, 18, 19, 29, AND 31 OF PLANNING PERMISSION C8/2009/1066/CPO' Document dated October 2016 and its accompanying appendices and drawings; and subsequent submission of Appendix E received 8th July 2021.
18. *Reason: To ensure that the sensitive groundwater (Source Protection Zone 1 for the Tadcaster Breweries) lying beneath the proposed site, which is used for human consumption, is protected from pollution.* Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the sensitive groundwater (Source Protection Zone 1 for the Tadcaster Breweries) lying beneath the proposed site, which is used for human consumption, is protected from pollution.*

19. If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

*Reason: To ensure that the sensitive groundwater (Source Protection Zone 1 for the Tadcaster Breweries) lying beneath the proposed site, which is used for human consumption, is protected from pollution.*

20. No de-watering shall take place on the site.

*Reason: To ensure that the sensitive groundwater (Source Protection Zone 1 for the Tadcaster Breweries) lying beneath the proposed site, which is used for human consumption, is protected from pollution and in the interests of residential amenity.*

21. There shall be no quarrying or other excavation within a vertical distance of 1 metre from the maximum recorded groundwater levels across the site.

*Reason: To ensure that the sensitive groundwater (Source Protection Zone 1 for the Tadcaster Breweries) lying beneath the proposed site, which is used for human consumption, is protected from pollution and in the interests of residential amenity.*

22. The development shall at all times be carried out in accordance with the groundwater levels monitoring scheme contained within Section 6 of the 'SUBMISSION OF DETAILS PURSUANT TO CONDITION NUMBERS 3, 8, 11, 12, 13, 18, 19, 29, AND 31 OF PLANNING PERMISSION C8/2009/1066/CPO' Document dated October 2016 and its accompanying appendices and drawings; and subsequent submission of Appendix E received 8th July 2021.

*Reason: To ensure that the sensitive groundwater (Source Protection Zone 1 for the Tadcaster Breweries) lying beneath the proposed site, which is used for human consumption, is protected from pollution.*

23. The development shall at all times be carried out in accordance with the surface and foul water drainage scheme for the site within Section 7 of the 'SUBMISSION OF DETAILS PURSUANT TO CONDITION NUMBERS 3, 8, 11, 12, 13, 18, 19, 29, AND 31 OF PLANNING PERMISSION C8/2009/1066/CPO' Document dated October 2016 and its accompanying appendices and drawings; and subsequent submission of Appendix E received 8th July 2021.

*Reason: To ensure that the sensitive groundwater (Source Protection Zone 1 for the Tadcaster Breweries) lying beneath the proposed site, which is used for human consumption, is protected from pollution.*

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

*Reason: To ensure that the sensitive groundwater (Source Protection Zone 1 for the Tadcaster Breweries) lying beneath the proposed site, which is used for human consumption, is protected from pollution.*

### **Soil Handling**

25. All top-soil, sub-soil and overburden materials shall be identified separately and then stripped and stored accordingly and either placed directly to final restoration of the site or stored separately in temporary storage mounds in accordance with the submitted application details. All soils shall be handled in accordance with the guidance set out in DEFRA's 'Good Practice Guide for Handling Soils.'

*Reason: To safeguard the topsoil and subsoil resources in the interests of achieving a high standard of restoration of the site.*

26. No soils shall be stripped, moved, placed or removed during the months of November to April inclusive, unless the said soils are dry and friable. Soils shall only be stripped, moved, placed or removed during dry conditions and soils shall not be removed whilst wet. During soil stripping, placement and removal, machinery shall be routed so as to avoid compaction of such soils.

*Reason: To safeguard the topsoil and subsoil resources in the interests of achieving a high standard of restoration of the site.*

### **Permitted hours of operation**

27. No soil stripping or bund construction or removal shall take place except between the following times:

0800 – 1700 hours Mondays to Fridays

No soil stripping or bund construction or removal shall take place at all on Saturday/Sunday/Public Bank Holidays.

No Mineral extraction shall take place except between the following times:

0700 – 1800 hours Mondays to Fridays

Mineral processing, mineral export, and servicing and maintenance shall only take Place between the following times:

0700 – 1800 hours Mondays to Saturdays.

No mineral processing, mineral export, and servicing and maintenance shall take place at all on Sunday/Bank or Public Holidays.

*Reason: In the interests of amenity.*

**Access**

28. There shall be no access to the site from the public highway other than by the existing access to the quarry site.

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

29. Wheel cleaning facilities shall be provided on the site and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal.

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

**Dust Mitigation Scheme**

30. The development shall be carried out in accordance with the 'Jackdaw Crag Procedure for Monitoring and Controlling Dust Emissions' submitted to the Local Planning Authority 20 January 2023. In the event that an assessment of dust emissions and/or the results of monitoring indicate that additional control measures are required to minimise emissions, proposals for such measures shall be submitted in writing to the Local Planning Authority. The approved measures shall be implemented in full.

*Reason: In the interests of air quality management in respect of amenity.*

31. Measures, including the spraying of roadways and stockpiles and the discontinuance of soil movements during periods of high winds shall be taken to ensure that the site is operated at all times with the aim to minimise dust emissions, and in particular during periods of high winds.

*Reason: In the interests of air quality management in respect of amenity.*

**Archaeology**

32. The development shall take place in accordance with the programme of archaeological work set out in the Written Scheme of Investigation, produced by Archaeological Services WYAS dated July 2010 within planning permission C8/2009/1066/CPO.

*Reason: In order to ensure that archaeological remains are preserved by record.*

**Vegetation Strip**

33. No vegetation removal shall take place at the site within the bird nesting season unless a suitably qualified ecologist has confirmed that no nesting birds are present in the vegetation to be removed.

*Reason: In order to ensure bird protection.*

**Highways**

34. The development shall at all times be carried out in accordance with the scheme for the management of HGV parking on site within Section 9 of the 'SUBMISSION OF DETAILS PURSUANT TO CONDITION NUMBERS 3, 8, 11, 12, 13, 18, 19, 29, AND 31 OF PLANNING PERMISSION C8/2009/1066/CPO' Document dated October 2016 and its accompanying appendices and drawings; and subsequent submission of Appendix E received 8th July 2021.

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

35. The total number of heavy good's vehicles (as defined by this permission) accessing and leaving the application site shall not exceed 500 vehicles per 5.5-day week (250 going into the site and 250 going out of the site)

*Reason: In the interest of highway safety.*

**Restoration**

36. Within 12 months of the completion of development, the restoration of the site should be completed within accordance with the Conceptual Southern Extension (Ref. 921R006, dated 9th September 2009).

*Reason: In the interests of achieving a high standard of restoration of the site.*

**Informatives**

The following informative should be considered regarding the use of / transport of material classed as 'waste,' including:

- An 'Exemption' may need to be applied for, if there is to be any waste used in backfilling /construction activities, typically this is a U1 Exemption;
- Licensed waste carriers would need to be used for any Waste sent off site and waste would need to be sent to an appropriate facility for treatment or disposal; and
- A licensed waste carrier would also be required to bring waste to site for used under exemption.
- Specific details on how to approach the underground cables in the site can be found within the Northern Power Grid (Yorkshire) response found within the applications planning portal.

**Target Determination Date: - 7 January 2025**

**Case Officer:** Sam Till, Sam.Till@northyorks.gov.uk

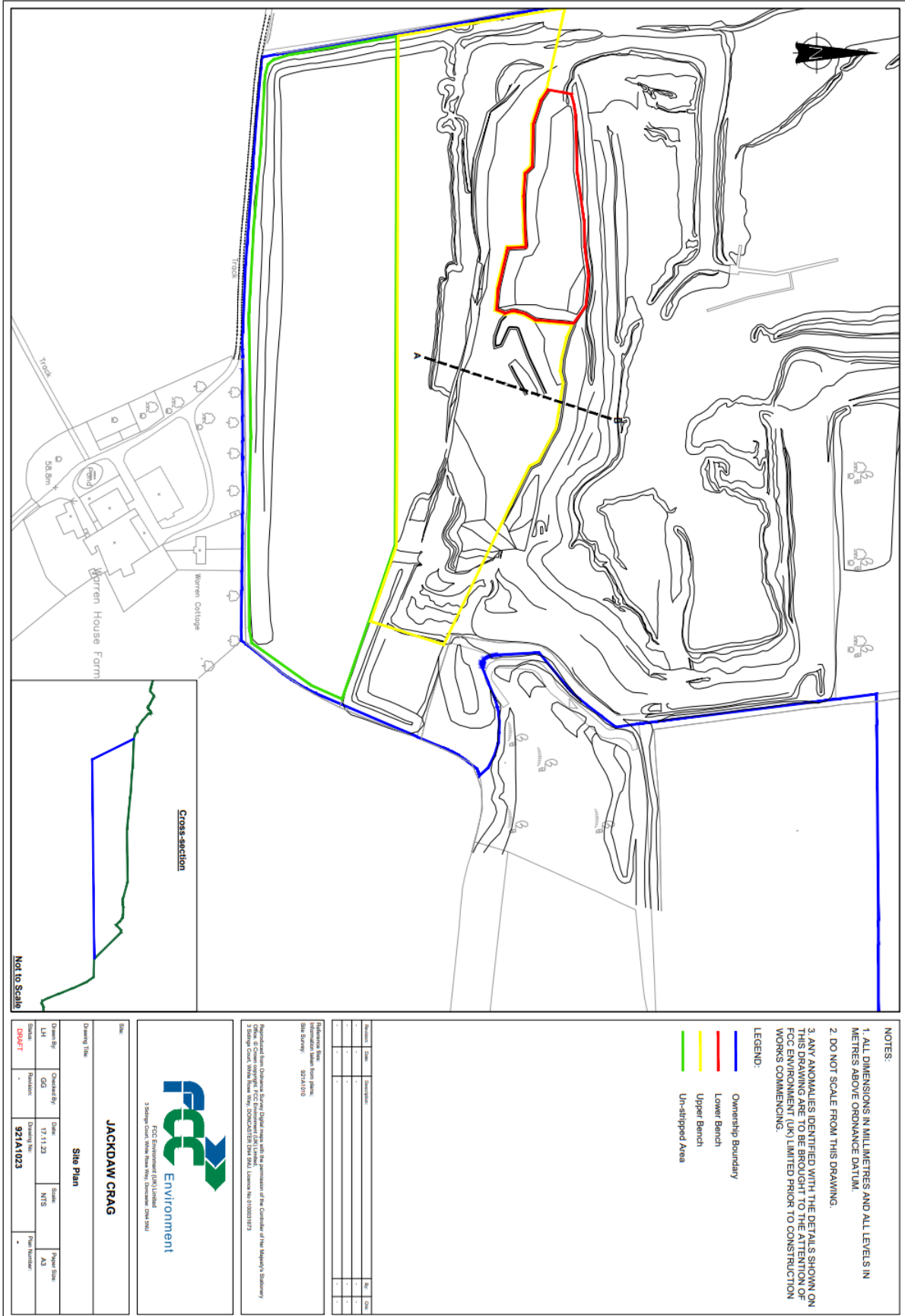


## APPENDIX A

**TABLE 1 - Allowable Maximum Instantaneous Explosive Charge Weights – Inhabited Property At Jackdaw Crag Quarry**

Blast/Receiver Separation Distance (metres)	Allowable Maximum Instantaneous Charge Weight, kg to comply with $6 \text{ mms}^{-1}$ at 95% confidence level
20	0.8
40	3.5
60	7.9
80	14.1
100	22.1
120	31.8
140	43.4
160	56.7
180	71.7
200	88.6
220	107.2
233	120.2
240	127.5
260	149.7
280	173.6
300	199.3

**APPENDIX B - Site Conditions for Blasting at Jackdaw Crag Quarry**



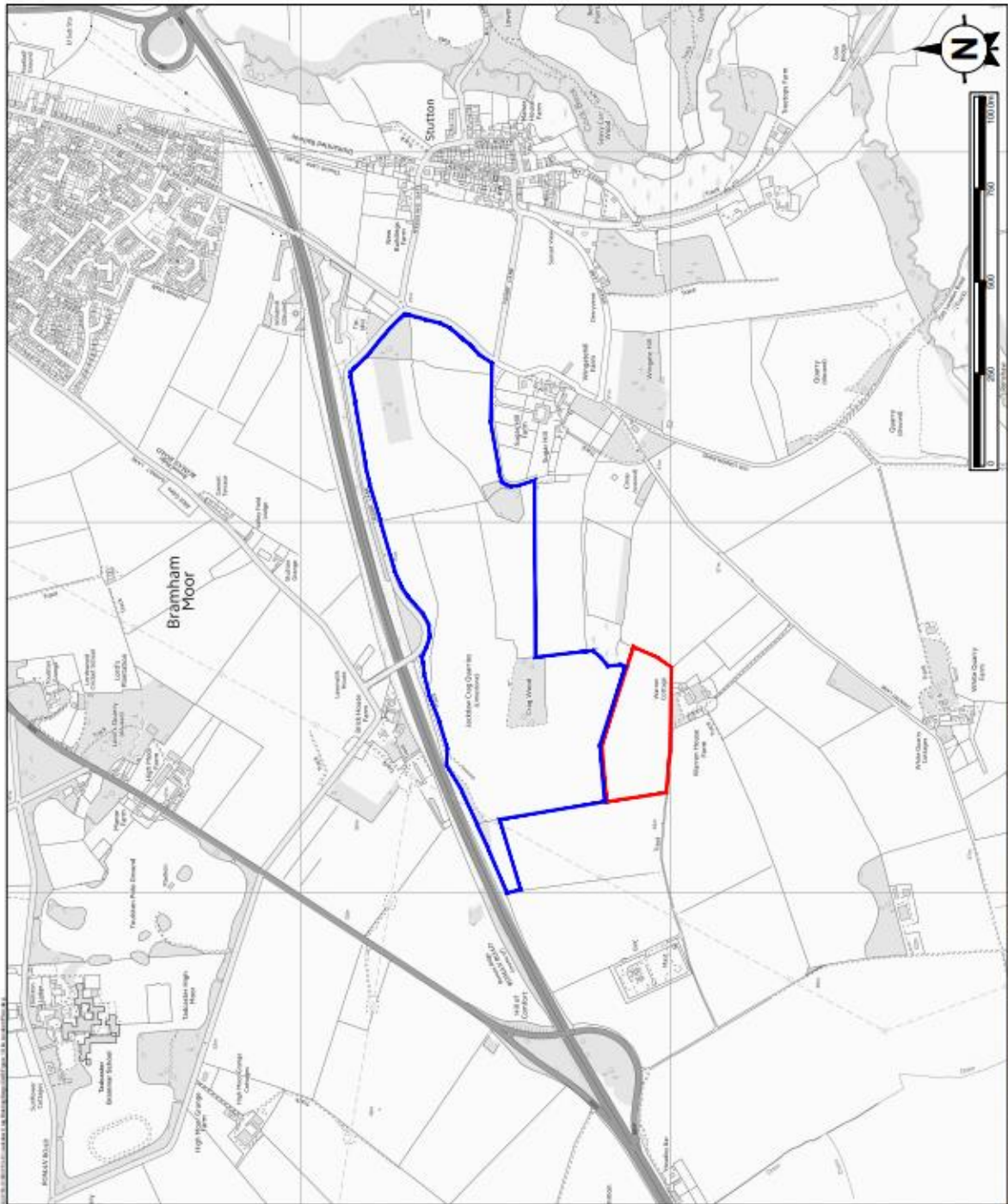
## Appendix C

**Table 2 - Allowable Maximum Instantaneous Explosive Charge Weights – National Grid Gas Pipeline At Jackdaw Crag Quarry**

Blast/Receiver Separation Distance (metres)	Allowable Maximum Instantaneous Charge Weight, kg to comply with 75 mms <sup>-1</sup> at 99.9% confidence level
15	2.8
25	7.8
35	15.3
45	25.3
55	37.8
65	52.9
75	70.4
85	90.4
95	113.0
105	138.0

### Appendix D - Location Plan

 Application Boundary  Other Land in the Control of the Applicant 	Jackdaw Crag Quarry: Removal of Blasting Condition
	Figure 1 Location Plan
Scale 1:10,000@A3	Date September 2022



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