

North Yorkshire Council
Community Development Services

Strategic Planning Committee

10TH DECEMBER 2024

**C3/22/01304/CPO PROPOSED EXTENSION TO SETTRINGTON QUARRY WITH
RESTORATION TO NATURE CONSERVATION HABITAT SETTRINGTON QUARRY,
BACK LANE, SETTRINGTON, MALTON, YO17 8NX ON BEHALF OF FENSTONE
LIMITED**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

- 1.1 To determine a planning application for Proposed extension to Settrington Quarry with restoration to nature conservation habitat on land at Settrington Quarry, Back Lane, Settrington, Malton, YO17 8NX.
- 1.2 This application relates to an extension at a sizeable quarry operation that is subject to objections raised in respect of a range of material planning issues and is, therefore, reported to this Committee for determination.

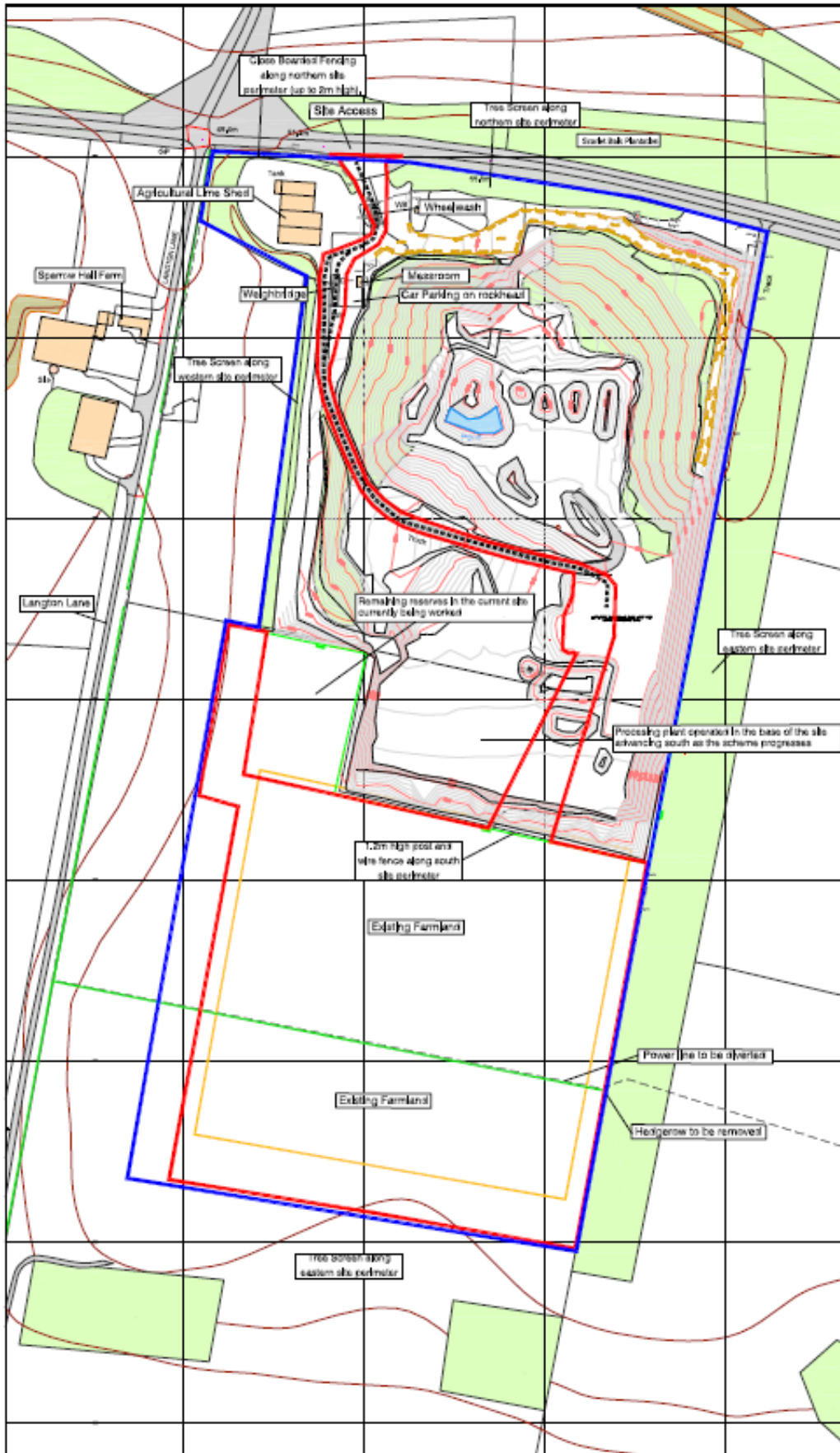
2.0 SUMMARY

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

- 2.1. The proposal is for a physical 5.2 hectare extension of an existing quarry for the extraction of Jurassic limestone. This site is allocated Site MJP08 in the Minerals and Waste Joint Plan, which was adopted in February 2022. It is proposed that 1.35 million tonnes of Jurassic Limestone would be extracted over a period of 14 years. This would be completed over five phases with progressive extraction and progressive restoration in the existing quarry and in the proposed extension area providing a fully restored site once complete.
- 2.2. The site is located in Ryedale to the South of Settrington village, the site is not within or in close proximity to most types of “sensitive areas”, the nearest heritage assets are Settrington Grange a Grade II listed building and the Settrington Village Conservation Area.
- 2.3. The principle of quarrying at Settrington Quarry has been established for over 70 years extracting Jurassic limestone and agricultural lime. The proposed development would provide a continued supply of crushed rock and agricultural lime to the existing market providing materials for construction and agriculture so fulfilling the requirements of MWJP Policy D01, Ryedale Local Plan Strategy (RLPS) Policy SP6 and SP19 and paragraph 11 of the NPPF which promote sustainable development. Within the MWJP the proposed development is an allocated site (MJP08 within the Allocated sites document) and is considered consistent with M01, M08, M05 and M09

which support the principle of this proposed development in regard to the requirements of minerals extraction.

- 2.4. The key issues in relation to the site are the impact of the development on the amenity of residents in relation to Noise, dust and vibration. The other key issue is in relation to highways and the impact on the surrounding highways network from the development.
- 2.5. The application is recommended for approval as it is considered, on balance, that there is a need for the mineral and that there would be no unacceptable adverse environmental impacts resulting from the proposed development. Furthermore, it is considered that the proposed development, whilst leading to a change to the landscape, would not result in any unacceptable impacts on local amenity, the character of the surrounding area and landscape, the local highway network, ecology or the water environment or lead to an unacceptable impact on air quality or climate change. The proposed landscaping, restoration and aftercare of the site would make a positive contribution to biodiversity of the area. For these reasons it is considered that the principle of the development in this location is acceptable.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- [Displaying Planning record: NY/2022/0224/FUL \(northyorks.gov.uk\)](https://northyorks.gov.uk/planning/record/NY/2022/0224/FUL).
- 3.2. The relevant planning applications for this application which are detailed below.
- GIDO/NR/76 (MIN0884) – Extraction of limestone – Granted 26 June 1947.
 - NR.76 (MIN2769) – Extension of quarry workings – Granted 28 June 1947.
 - C3/117/59/IDO (MIN0886) – Registration of IDO planning consent – Granted 22 May 1992.
 - C3/99/00868 (MIN3070) – Extension to existing limestone workings – Granted 6 February 2003.
 - C3/117/59A/IDO (MIN3078) – Determination of updated planning conditions under the review of old mineral permissions (ROMP) – Granted 25 May 1996.
 - C3/15/00583/CPO (NY/2015/0004/73A) – Application for the variation of condition No. 3 of Planning Permission no. C3/99/00868 which related to the duration of development to allow for an extension of time to recover the remaining mineral reserves until 31 December 2019 – 3 September 2019.
 - C3/19/01386/CPO (NY/2019/0211/73) – Variation of condition No1 of Planning Permission Ref. C3/15/00583/CPO to allow an extension of time to recover the remaining mineral resources until 31 December 2022.

4.0 Site and Surroundings

- 4.1. Settrington Quarry is located in a rural setting, the surrounding landscape is dominated by agricultural land uses within large arable fields bounded by hedgerows. The site is well screened by mature landscape planting along the northern and eastern boundary. The existing visual impact is limited, only apparent from Back Lane at the site entrance where a partial view of the site can be seen by passing road users. The nearest residential property is Sparrow Hall Farm which is 80 metres to the west and Settrington Grange is approximately 350 metres to the south-east of the site.
- 4.2. Settrington Quarry is an active Jurassic Limestone quarry located 3 km south-east of Malton. The original quarry is approximately 8.5 hectares in size with a 1.9 hectare extension to the south of the main area. Operations on the site date back to 1947 and crushed aggregate and agricultural lime are produced. Access to the site is achieved via C350 (Back Lane), an unclassified public highway that runs along the northern perimeter of the site, and this ultimately leads to the A64 or B1248 and the wider road network. Mobile plant and stockpiles are located on the quarry floor, and an agricultural lime storage shed are located in the north-west corner of the site and a wheel wash is located at the exit.
- 4.3. The site does not fall within, or in close proximity to most types of ‘sensitive areas’ (SSSI, SPA/SAC, SINC, Ramsar, AONB), however is in proximity to Settrington Village Conservation Area and approximately 400 metres from Settrington Grange and Outbuilding s which are Grade II Listed. Although it is within a risk zone for SSSI

for quarrying. The site is neither within flood zones 1 and is not within any flood plains as identified by the Environment Agency. Settrington Wood is an ancient woodland 2.5km to the east of the site.

5.0 Description of Proposal

- 5.1. This application seeks full permission for a 5.2 hectare southern extension to the existing Settrington Quarry for the further extraction of Jurassic Limestone. The proposed extension area is detailed as Allocated Site MJP08 in the Minerals and Waste Joint Plan (MWJP) which was adopted in February 2022. It is proposed that 1.35 million tonnes of Jurassic Limestone would be extracted over a period of 14 years. This would be done over five phases with progressive extraction and progressive restoration in the existing quarry and in the proposed extension area providing a fully restored site once complete.
- 5.2. In terms of the operation of the proposed extended quarry, the soil covering the limestone deposit would be stripped and used to construct screening bunds around the proposed extension area. Soil and overburden would then also be relocated from the currently non-operational parts of the workings in the current site so that access can be gained to the reserves within the proposed extension. It is proposed that the excavations would commence in the north west corner of Phase 1 (Plan S1/PL20/03) with the extraction face developed west to east in each phase. Mineral extraction would then be advanced in a general southerly direction on a phased basis, with five phases in total.
- 5.3. The extraction of mineral would be progressively undertaken by forming two working benches of not greater than 15 metres in height. The quarry floor would be maintained approximately 2 metres above the maximum recorded groundwater level in common with sections of the existing consented operations at the site, and as such no dewatering and/or direct interaction with any underlying aquifer resources are proposed. During extraction operations, appropriate standoffs to the proposed extraction area from nearby residential properties, would be maintained, with such areas used for the storage of soil resources which would in turn provide acoustic and aesthetic screening. In addition to standoffs from residential properties, the working scheme illustrated on Plan S1/PL20/03 also provides for a bespoke standoff to adjacent woodland habitat, and a standoff buffer relative to the recreational activities on Langton Lane. It is proposed that the topsoil bunds would be between 1.5 – 3 metres high, and the subsoil/overburden bunds would be up to 4 metres high. The bunds would be seeded with a ryegrass mix.
- 5.4. The operations at the site do not utilise any fixed plant to process the extracted rock. All processing is undertaken in the base of the workings where a mobile crusher and screen deck to crush and sort the materials into graded aggregates and a finer dust fraction. The processed graded aggregate is stored in open stockpiles local to the plant. These stockpiles are managed by a front-end loader that loads HGVs to export the product off site.
- 5.5. The application proposes to retain and use the existing site access and ancillary facilities such as the wheel wash and weighbridge. Appendix 10 of the Planning

Statement includes recommendations to improve the condition and use of the site access which would be implemented if the proposal receives planning consent, the recommendations include introducing markings to define the edge of the carriageway, make sure the visibility splays are regularly maintained and introduce signage to make road users aware of the site entrance.

- 5.6. The current level of extraction is approximately 100,000 -120,000 tonnes per year, including agricultural lime, it is expected that 100,000 tonnes per year would be extracted from the proposed extension. The maximum daily movements would be 112 (56 into the site and 56 out of the site) and would be associated with the export of processed aggregates and agricultural lime products.
- 5.7. Consistent with the existing and approved operations at the existing site, the proposed restoration landform would be achieved by importing approximately 100,000 tonnes a year of inert restoration materials which would typically be soils or clays from large excavation contracts or local development projects. On average this would mean 76 Movements (38 into and 38 out of the site). There is a potential to reduce this as some of these movements could be reduced by back hauling. HGVs are routed along three routes designed to avoid the historic core areas of Settrington and Malton, as detailed in the transport statement.
- 5.8. If the proposed extension is approved some pre-extraction activities would need to be undertaken before soil stripping occurs, the activities include changes to the haul road through the existing workings to service the proposed extension, if required, erection of temporary fencing to protect hedge and tree root protection areas, planting of 115 metres of hedgerow along the western margins of Phases 1 to 3, as shown in plan S1/PL20/0301, to join up with the existing hedge that crosses the extension, acoustic and visual screening bunds would be formed in advance of extraction operations, undertake any necessary further archaeological and/or ecological investigations and establish any noise and/or dust monitoring regains required. These activities would allow limestone extraction activities in Phase 1 of the proposed extension to occur.
- 5.9. A phased and progressive scheme of working and extraction has been developed to minimise the impacts associated with the extraction of the mineral, which are attached to this report as Appendix A. A series of phasing plans have been produced to assist with the understanding of the phased development, they are:
- Phase 1 – Plan S1/PL20/301;
 - Phase 2 - Plan S1/PL20/302;
 - Phase 3 - Plan S1/PL20/303;
 - Phase 4 - Plan S1/PL20/304; and
 - Phase 5 - Plan S1/PL20/305;
- Each of the phases would take approximately 3 years to complete.
- 5.10 The mineral extraction would continue to be undertaken using several techniques including ripping, which is the use of a hydraulic excavator to rip the in-situ limestone from the host rock, pecking, which is the use of a hydraulic excavator with a pecker attachment to split apart the rock being similar to a pneumatic drill, and blasting,

which is the use of explosives to win limestone from the host rock. The limestone is currently extracted and processed in 'campaign events'. The campaign periods usually last six to eight weeks during which limestone is extracted, processed, loaded and hauled, this is when activity at the site is at its peak. It is expected that there would be four campaign events per year. There are periods of lower level activity between campaign events with either the loading of limestone products for distribution or importation and deposit of inert restoration materials.

- 5.11 During the phased extraction of the mineral a scheme of phased restoration would also be carried out both in the existing quarry and in the phases of the extension, as shown on appendix B. Once extraction operations are complete restoration for the whole site would continue and remainder perimeter soil bunds would be recovered as the restoration progresses.
- 5.12 There are still 20,000 tonnes in the existing southern extension area which has permission for extraction under reference C3/19/01386/CPO. Extraction at the site has currently ceased as the remaining reserve is very near the water table and there is a requirement for the 20,000 tonnes of limestone to be left in situ to provide the Applicant with a working platform for the 5.2 hectare extension area being considered under this planning application. A Section 73 application, reference C3/23/00049/CPO, has been submitted by the Applicant to extend the time required to complete extraction and restoration of the existing quarry. If permission is granted the extraction of the remaining 20,000 tonnes limestone is expected to be completed by the end of Phase 3 of the working in the physical extension area as the working platform would have been moved as shown in the Phasing Plans, Phase 1 – Plan S1/PL20/301; Phase 2 – Plan S1/PL20/302; Phase 3 - Plan 3 Plan S1/PL20/303; Phase 4 – Plan 4 S1/PL20/304 and Phase 5 – Plan 5 S1/PL20/303.

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, (MWJP) adopted 2022.
 - Ryedale Plan - Local Plan Strategy, adopted 2013.

Emerging Development Plan – Material Consideration

- 6.3. There is no emerging development plan which covers the application site.

Guidance - Material Considerations

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

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Scagglethorpe Parish Council:** The parish raised concerns about heavy goods vehicles (HGVs) traveling through the village to the A64. The route includes a narrow through lane, on-street parking, a blind double bend, and the need to access amenities on both sides of the road. Recent HGV counts confirm residents' worries about the growing number of HGVs, with one HGV passing through every four minutes. In 2021, the Fenstone Agent claimed that the route through the villages would only be used by quarry vehicles traveling from an easterly direction on the A64. However, during a 12-hour period during a traffic count, 22 Fenstone vehicles travelled through the village, with 21 going to/from Malton and only 1 coming from the Scarborough direction. This contradicts the claim of a primary focus on using an alternative route through Norton. Scagglethorpe Parish Council requests that any planning consent for the quarry includes a condition that restricts the use of the village route to Fenstone vehicles traveling to/from the easterly direction. They also want all HGVs approaching or leaving the quarry to comply with routing restrictions. The construction of a proposed link road around Norton Lodge development would help alleviate traffic through both villages and Norton.
- 7.3. **Settrington Parish Council –** There is concern in regard to traffic using route three through Settrington and Scagglethorpe and the parish request that there is an insistence on Route 2 being required for all quarry traffic. The response also mentions the proposed Beverley Road development which is not currently approved. The response requests information on the amount of imported material for restoration works and that the operator should report this on an annual basis. The parish also state in regard to noise that there are numerous concerns of the intrusive pecking noise emanating from the quarry as early as 6am and notes the applications now delays the start of operations until 7am and requests that there should be no pecking on Saturdays.
- 7.4. A further response was received from the parish council with additional comments stating:
- Traffic – pointing out route 1 can also lead to Norton avoiding using route 3. The parish believe that the quoted vehicle movements are do not reflect the reality and should be limited to 36 i.e. 18 in and 18 out. Also stating in exceptional circumstances the route should still avoid Settrington school drop off times. The response also requests that options should be explored in relation to an access to the site off B1248 as the site moves further south.
 - Noise – Specific hours for blasting are stated as between 1000-1500 and none on weekends, pecking below 8m should be 0900-1600, none on weekends and above 8m 1000-1600 and none at weekends.
 - Restoration – reiterates importance on how much restoration landfill has been completed and how much is still needed. Stating council should monitor this annually and update the parish council.
 - Quarry working time – 0800-1700 weekdays and 0800-1000 Saturdays.

- Control – review of process to meet condition in relation to awareness, adherence, measurement, record keeping, reporting, monitoring and enforcement.
 - Other – Pro-active engagement of the quarry is required in relation to further applications, clarification on some form of indemnity insurance or bond to cover pollution incident, closure without restoration or a serious accident to a trespasser.
- 7.5. **Ward Member(s):** Councillor Caroline Goodrick has been notified of the initial consultation in November 2022 and the re-consultation in September 2023.
- 7.6. **Archaeology:** There are potentially areas of archaeology interest within the extension area. Advise a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with the development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of the development, including site preparation works, top soil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, recording and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed. A condition was recommended, and wording provided.
- 7.7. **Arboricultural Officer:** Responded with no comments.
- 7.8. **Conservation Officer (Ryedale Area):** Responded with no objection to the proposal.
- 7.9. **Ecology:** The consultee confirmed appropriate surveys have been undertaken and few constraints were identified in terms of protection of species. The effects on the River Derwent SAC, which is located 3.6 km away, have been considered and if the statements provided by the Applicant are correct then significant effects on the SAC can be ruled out and no further assessment is necessary unless Natural England request otherwise. In terms of Biodiversity Net Gain a Biodiversity Metric calculation has been supplied showing a 63% uplift in terms of area based habitats and a 286% increase in hedgerow units, after the removal of one species poor hedgerow. This complies with policy and demonstrates significant gains for nature. Conditions have been recommended for an ecological walk over prior to each phase of working and any clearance of dense vegetation should occur outside bird breeding season. The consultee also requested a long term management plan which will run for 30 years and provided details of what would be required in the plan. The ecologist also supported the restoration to limestone grassland and associated habitats as will make a valuable contribution to restoring lowland calcareous grassland which is a national and local priority habitat on the edge of the Yorkshire Wolds, however requested the seed mix needs to be agreed between the Applicant and Ecology.
- 7.10. **Environment Agency:** Responded with no objection but provided advice in terms of groundwater protection, review of environmental permit, whether an abstraction licence would be needed and consideration as to whether an abstraction licence is required for dewatering activities at the site.

- 7.11. **Environmental Health Officer:** in response to the initial consultations had concerns about the noise survey which had been provided and requested that a more detailed noise surveys were undertaken.
- 7.12. The updated noise survey was considered as part of a further consultation and the EHO stated that the use of the site as a quarry could be made acceptable with appropriate conditions to control/limit the disturbance caused by noise and vibration to the neighbouring properties in the interest of local amenity. Several conditions were recommended which covered hours of working, HGV movements, effective noise attenuating equipment on plant, noise levels at nearby residential properties, noise limitation exceptions, noise monitoring scheme, exceeded noise limits, blasting – ground vibration levels, pecking and blasting hours of use, blasting monitoring, dust monitoring and lighting.
- 7.13. **Highways:** The first response highlighted the routing of vehicles from the quarry as the Authority is aware that the villages of Settrington and Scagglethorpe experience some disruption due to the HGVs travelling towards the A64. Stating that if extraction from the quarry continues this route would experience further congestion, therefore, requested improvements along the route to the A64 to assist both drivers and residents who will have to suffer the additional vehicles for a long period.
- 7.14. In a re-consultation response the highways authority stated verges are regularly over run which means the edge of the carriageway is being eaten away providing a maintenance burden to the public purse and that the passing places which are referred to are not formal passing places but just areas which have been formed in the verge over time. The highways authority requested these widened areas should be constructed as “formalised” passing places. Also, where the edge over run is most significant some kerbing should be provided. The response also Suggested that the local highways authority are required to discuss with the quarry how to improve the roads either by a scheme of works or as a contribution.
- 7.15. A site meeting was held between the Applicant and the Local Highway Authority and following this a formal response was received stating the further to additional information and discussions with the developer the LHA requests that the developer shall undertake mitigation measures to offset the impact of the quarry traffic continued use of roads identified within the application as routes to major transport corridors. The LHA seeks improvements to C349 at locations within Scagglethorpe village and improvements to Back Lane to provide hard standing areas if vehicles need to leave the road for any reason on the way to or from the quarry entrance. A plan showing the required improvements in Scagglethorpe has been provided and a plan will need to be agreed for the work required in Back Lane. The LHA expects the extension of the quarry will not increase traffic levels and the suggested improvements will enable existing flows to continue from the quarry and is satisfied that the routes highlighted in the application documents will allow the quarry to operate with reduced road safety concerns once mitigation measures are implemented. The LHA recommended a condition for the delivery of off-site highway works to cover works required on Back Lane and within Scagglethorpe, and a second

condition requiring a Construction Management Plan. (note that the condition in relation to the back lane and Scagglethorpe works are now within the requirements of the S106 agreement as deemed a more appropriate mechanism for these works).

- 7.16. **Landscape:** After the initial consultation the Landscape Architect requested more detailed information regarding the phasing of the work and progressive restoration, clarification on soil stores and volumes, provide improved hedgerow screening and more details on restoration of the quarry faces. In the following responses they acknowledged that the Landscape and Visual Impact Assessment (LVIA) has identified adverse landscape and visual effects particularly relating to landform, soils and scenic which would only be mitigated through restoration. The existing soils are relatively thin and likely to be an important resource needed to be retained for restoration.
- 7.17. The Applicant provided additional plans and information which formed the basis of a re-consultation. The Landscape Architect responded stating that the Applicant has provided updated phasing plans to explain stages of restoration, the relationship with the wider quarry working and restoration, soil volumes at each phase, and opportunities for advanced screening and planting. This resolves the main landscape concerns. There are landscape details that will be needed pre-commencement and in advance of each phase, and for control of lighting to reduce nighttime adverse effects. These could be secured by suitably worded conditions. Because of the overlap with the wider quarry and the need to demonstrate progressive restoration in-line with policy, consideration should be given to staged approval, for review of previous work progress before moving on to the next working phase. Would recommend a requirement for a detailed landscape maintenance management plan. This should differentiate restoration at each working phase including ongoing maintenance of the advanced landscape works and preceding restored phases, to be maintained throughout the operational phase of the quarry, then at least 6 years after the final phase of restoration (or inclusive within the post-completion BNG maintenance management period, whichever is the greater).
- 7.18. **Natural England:** Responded with no objection as they considered that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites. In response to the re-consultation stated that the amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- 7.19. **Planning (Ryedale Area Office):** No response has been received.
- 7.20. **National Highways (Historic Railways England)** – A response was received stating the tunnel requested to be considered on back lane has a 40t assessment so should be acceptable for HGV traffic and there is no weight restriction on the road crossing the tunnel. If HGV's exceed 40t those vehicles should use abnormal road routes.
- 7.21. **Health and Safety Executive** – No response has been received.

Local Representations

7.22. 19 local representations have been received of which none were in support and 18 are objecting. A summary of the comments is provided below.

Amenity

- Noise from operations on site including constant noise from the pecker, scraping and hammering which occurs throughout the day, causing an unreasonable interference in the enjoyment of home. Updated pecking hours of working to be restricted further than draft conditions.
- The noise report does not consider potential effect of the extension area or restoration on the wider site.
- The noise survey does not consider the repetitive, annoying characteristics of the noise.
- Objection to wording for noise limits with further restrictions required to cease operations until noise attenuation has taken place.
- Vibration from blasting.
- Amount of Blasting and restrictions required in terms of times. The objector states if approved these should be conditioned to 10:00 to 15:00 Monday to Friday, with no weekend hours. With notification of emergency blasting and why. The objector requests the same hours for noise limitation exceptions and to be notified of this period taking place.
- The extension of the quarry will move activities closer to Settrington Grange.
- Issues with the hours of operation and working operations on a Saturday. The objector proposes start time of 0800 Monday to Friday and no weekend working.
- The period of time for the consent is too long, should be limited to 5 or at the most 10 years.
- Request for noise monitoring every 2 months instead of 3 months.
- Issues with Air quality mitigation and a requirement for ongoing monitoring.
- Boundary fencing to be installed at the site.
- Works should not continue beyond 2024.

Highway matters

- HGV numbers will increase and concern on specific movement numbers conditioned. Should be no more than 40 per week day and no more than 18 on a Saturday. A different objector also requested for it to be limited to 36 (18 in and 18) out per day.
- HGV routing including number of HGV movements through Settrington and Scagglethorpe, impact on local bridges and convoys of HGV's with requests for road improvement works including passing places. There is also a request for 10 HGV's only allowed through Settrington and Scagglethorpe or Alternative routes to be used.
- HGV impact on verges and footpaths and mud on the road.
- HGV noise impact.
- Safety concerns of HGV's, walking on Back lane and impact on the School.
- Request for lower speed limits.
- Visibility at entrance to quarry.
- Importation of Material for restoration and HGVs used for this.
- Draft HGV movement conditions unclear and confusing.
- No use of Railway line in terms of transporting stone.
- Access to the site should be from the south off the road B1248 not off back lane.

Ecology

- Impact on the River Derwent SAC and Ancient Woodland.
- Removal of existing hedgerow.
- Settrington included in proposals for new AONB (National Landscape now) so is a 'special area' and concern regarding the impact the quarry will have on loss of chalk land.
- Applicant claims will achieve BNG across the site, this needs to be delivered and maintained for 30 years.

Archaeology and Heritage

- A desk based assessment has been undertaken, further investigation required.
- Impact on Heritage assets including listed buildings in the area not stated in the report other than a Grade II listed building within 1km of site listed in table in the report.
- Proposed draft conditions do not give sufficient protection to Grade II listed buildings of Settrington Estate.

Flood Risk/hydrology

- Need a Strategic Flood Risk Assessment.

Agricultural Land

- Impact on quality of land currently classed as 3b.

Other

- Restoration works not been progressed in rest of site.
- Importation of material for restoration and HGV's required for this. Nature and type of material.
- Local residents not made aware of planning application and not received letters.
- Quarry is operating without planning permission.
- The planning application should be determined by Committee.
- Need to provide further detail on how quarry operator will engage with local community, especially in terms of blasting.
- A bond should be required so restoration is completed at the site.
- The development should include an Environmental Impact Assessment to address the environmental effects of the development and the screening opinion does not currently take into account downstream impacts of the development, as stated to be required in the *Finch v Surrey County Council & Others* [2024] UKSC 20 ("Finch") supreme court ruling.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development falls within Schedule 2 Category 2(a) Quarries, open cast mining and peat extraction of The Environmental Impact Assessment Regulations 2017 (as amended) and the criteria is for all development except for the construction of buildings or other ancillary structures where the new floorspace does not exceed 1,000 square metres. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. An objection has been received in regard to the supreme court ruling of Finch and that downstream impacts of the development are required to be considered in the development. The Screening Checklist which acts as the report and decision is available to view on the Council's website at [Planning Register | North Yorkshire County Council](#) under NY/2019/0047/SCR. Due to the time period since the initial screening opinion a

further screening opinion was issued on the 20 November 2023 which confirmed that the councils view was still that no Environmental Statement was required. Nothing has been amended since this second Screening Decision and no conditions are required to rule of a likely significant environmental effect.

9.0 Main Issues

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

- Principle of development
- Amenity – including noise, dust, vibration.
- Highways
- Landscape
- Ecology/Biodiversity
- Soils/Agricultural Land
- Restoration and aftercare
- Archaeology
- Heritage
- Flood Risk/Hydrology
- S106 Agreement

10.0 ASSESSMENT

Principle of Development

- 10.1. This planning application made under the Town and Country Planning Act 1990 seeks consent for a 5.2 hectare southern extension to the existing Settrington Quarry with the aim of extracting 1.35 million tonnes of Jurassic limestone over a 13-14 year period. The principle of quarrying at Settrington Quarry has been established for over 70 years extracting Jurassic limestone and agricultural lime. It is noted in the Supporting Statement that the proposal does not seek to alter the number and timing of the vehicular movements; the hours of working and the overall operation itself, all of which are requested to remain at present levels. However, this application gives the authority the opportunity to review current working practices at the site and update conditions in relation to the site, where appropriate. It is also noted that the councils view is there is a variation of condition application to extract the last of the mineral in the existing site, due to the small scale nature of the 100,000 tonnes left when the application was submitted and now there only being 20,000 tonnes left in this area to extract it is not considered that there would be any cumulative impacts of both permissions as being worked in tandem and it is also considered with both applications now to be determined it gives the opportunity to have the same requirements in terms of conditions.
- 10.2. The proposed development would provide a continued supply of crushed rock and agricultural lime to the existing market providing materials for construction and agriculture so fulfilling the requirements of MWJP Policy D01, Ryedale Local Plan Strategy (RLPS) Policy SP6 and SP19 and paragraph 11 of the NPPF which promote sustainable development. The proposal is also considered to be consistent with paragraph 209 of the NPPF which emphasis is that *'it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country need'* and paragraph 211 of the NPPF which states *'great weight should be given to the benefits of mineral extraction, including to the economy'* as the

proposal would facilitate the continued operations of mineral extraction at the site and promote sustainable growth of key economic sector. In terms of land use planning policy in respect of minerals MWJP Policy M01: Broad geographic approach to supply of aggregates explains that minerals development should be steered towards the areas of the county that lie outside the boundaries of the North York Moors National Park, the Areas of Outstanding Natural Beauty and the City of York. The location of Settrington Quarry is not within any of the areas listed in the policy therefore no conflict is considered to exist with this policy. One objection in relation to the proposed development has stated that the time period for the consent is too long and should be a maximum of 10 years, it is considered that in the circumstances extracting the 1.35 million tonnes of Jurassic limestone over a 13-14 year period is considered reasonable and would not have a significant impact on the landscape, soils, residential amenity, highways or heritage assets of the water environment as will be discussed in more detail later in the report and is considered necessary to meet the needs of the area in terms of mineral resources.

- 10.3. MWJP Policy M06: Landbanks for crushed rock reflects the national requirement in the NPPF that a 10 year landbank for crushed rock should be maintained to ensure a security of supply, the current landbank is over 25 years for crushed rock as a whole. As set down in MWJP Policy M05: Provision of crushed rock the total provision for crushed rock over the 15 year period between 1st January 2015 to 31st December 2030 is set at 51.75 million tonnes which includes a 6.8 million ton provision of Jurassic limestone at an equivalent rate of 0.45 million tonnes per annum. Table 3 in the adopted MWJP states that for Jurassic limestone there is a residual shortfall of 1.8 million tonnes during the plan period, the most recent Local Aggregate Assessment, (8th Review), states that the shortfall for Jurassic limestone is now 0.3 million tonnes. MWJP Policy M09: Meeting crushed rock requirements, includes the allocation of potential new permissions and one of the allocated sites included is MJP08: Land at Settrington Quarry which is the same site as the proposed development being considered in this report. There are a limited number of active quarries which extract Jurassic limestone in North Yorkshire, given that there is an identified shortfall in the provision of Jurassic limestone up to 2030 there is a requirement for further permissions to be granted specifically for Jurassic limestone. In regard to M06 there are a limited number of active quarries which extract Jurassic limestone in North Yorkshire, given that there is an identified shortfall in the provision of Jurassic limestone up to 2030 there is a requirement for further permissions to be granted specifically for Jurassic limestone and this site has been deemed appropriate should the key sensitivities and development requirements having been met through this application.
- 10.4. The Local Aggregate Assessment for the North Yorkshire Sub-region (8th review 2021) is the most up to date published assessment in terms of the current resources in the sub-region. The assessment states that the crushed rock landbank is over 25 years, which is above the 'at least' ten year requirement. This, however, does not impact upon the acceptability of this extension under consideration as it indicates the existence of a level above the minimum requirement at the point of assessment and serves to indicate that, at present, there is not an urgent need which is reiterated in the government planning practice guidance in relation to minerals. When specifically looking at Jurassic Limestone the annual requirement is approximately 0.45 million

tonnes, with 3.6 million tonnes required over the plan period. The current reserves for Jurassic limestone stated within the LAA is though only 3.3 million tonnes, which is why there is still a requirement for this resource and the site is allocated in the MWJP to maintain a local supply of crushed rock to the eastern part of the sub-region.

- 10.5. The proposed minerals extension would benefit from the presence of existing infrastructure (weighbridge, offices and site access) currently in place at the quarry. Policy I02 in the MWJP also supports the use of existing infrastructure on minerals sites, as it provides the needed infrastructure, building and materials with a lower impact on the environment, than would be caused by a crushed rock site with no existing infrastructure. This is also consistent with the NPPF in regard to paragraph 209, 211 and 213 in regard to the acceptability of the location of the proposed development. In regard to paragraph 211 this application is not in a National Park, AONB, scheduled monument or Conservation Area, it is considered that this report details that there would be no unacceptable adverse impacts on the natural or historic environment, human health or aviation safety. It is also considered that unavoidable noise and dust can be controlled by adequate conditions, with the restoration and aftercare being completed to the highest possible standard at the earliest opportunity. The NPPF para 209 recognises minerals are a finite natural resource and can only be worked where they are found. It is, therefore, important to make the best use of them as a means to secure their long-term conservation.
- 10.6. Therefore, this 5.2 hectare extension for the extraction crushed rock from Settrington Quarry extension area is acceptable in principle as has been allocated in the Minerals and Waste Joint Plan, thereby demonstrating there is an ongoing requirement for a supply of Jurassic Limestone that is extracted on site. Consequently, in terms of the principle of development for this proposal the development is consistent with policies M05 and M06 in the Minerals and Waste Joint Plan, by providing for the maintenance and delivery of the landbank of crushed rock, the application accords with local and national policy, and so is considered acceptable in planning terms. It is therefore considered that the proposal would not have an increased negative effect on economic, social and environmental conditions of the area. It is therefore considered that the proposed development is acceptable in principle, subject to the consideration of other matters. The proposal is therefore in compliance with MWJP Policies D01, M01, M08, M05, M06 and M09 which support the principle of this proposed development. It is also in compliance with Ryedale policy SP6 due to being identified in the local plan as a site which is required for minerals extraction in the locality and that the benefits of extracting this mineral would outweigh any adverse impacts and consistent with the NPPF.

Amenity (noise, dust, vibration)

- 10.7. The site has operated as a quarry under the terms of the previous permissions. This planning application proposed to maintain the sites existing management operating practices, including hours of operation, dust suppression measures and noise monitoring. However it is understood that consultees and residents have concerns with the current controls over the site, specifically regarding noise from the operation and vibration from blasting. NPPF paragraph 191 requires decisions to ensure development is appropriate for its location taking into account the cumulative impact on health, living conditions and the natural environment, including mitigating and

reducing the impact on noise, identifying tranquil areas and limiting light pollution. The relevant development plan policies which need to be considered in terms of amenity are MWJP Policy D02: Local amenity and cumulative impacts, MWJP Policy D14: Air quality, RLPS Policy SP6: Delivery and Distribution of Employment/Industrial Land and Premises Policy SP17: Managing Air Quality, Land and Water Resources.

Noise

- 10.8. A Noise Assessment has been provided as part of the submitted documents. The document contains details of a Noise Impact Assessment (NIA) which was undertaken where existing sound levels have been measured at locations chosen to represent noise sensitive premises in the vicinity of the site, which includes Sparrow Hill farm, Settrington Grange, Settrington House, Orchard House and Town Green House. The information gathered during this NIA has been used to establish the baseline conditions. Predicted noise levels from the proposed development have been calculated at the nearby noise sensitive premises. The predictions are based upon detailed information regarding the proposed working of the site and have been undertaken following calculation methods that are suitable for open sites and quarries. The report states that the development has been assessed with reference to policy and guidance specifically relating to noise emissions from mineral sites. The report concludes that the outcome of the assessment demonstrates that the proposed scheme is able to operate in accordance with these noise standards and there are not to be considered to be any significant or unacceptable adverse impacts. The report has made a range of recommendations to minimise potential noise emissions from the site during the implementation of the proposed scheme, these being largely consistent with schemes of mitigation for the current site along with some enhanced mitigation measures to further reduce the potential impact on residential amenity within the vicinity of the site. There is an objection which states the noise report does not satisfactorily take into account the potential effect of the extension area or restoration or the repetitive character of the noise. However with applicant providing the initial Noise Impact Assessment, with further subsequent updated assessments from a qualified expert and also there being no objection from the Environmental Health Officer it is reasonable to assume that the information provided is acceptable to come to a conclusion to determine the application.
- 10.9. Policy D02 of MWJP states 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”. Policy SP6, SP16 and SP20 of the Ryedale local plan have a requirement to protect amenity and promote well-being. SP6 states minerals extraction processes are required to not adversely affect the amenity of neighbouring occupants of the site in line with policy SP20. SP20 specifically states in regard to noise that developers “*will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards*”. More generally in regard to amenity policy SP20 requires that no new development would have a material adverse impact on amenity and that proposals would be resisted where there are unacceptable risks to human life, health and safety or risk to property.
- 10.10. Many of the objections received from members of the public are related to noise especially from operations within the quarry, the full list being stated in paragraph

7.22. There is also a comment in relation to noise from Settrington Parish Council in regard to noise and specific proposed hours of working. The site operation which raised the most objections was the constant repetitive noise from the 'pecker' from early in the morning to late in the day which disturbed the tranquillity of Settrington Village. Objections were also received to the hours of operation of the quarry, which currently has permission to start work from 6:00hrs and finish at 18:00hrs, suggestions were made to start operations later and finish earlier. Residents also stated that the hours where blasting should only be allowed should be restricted and advance notice should be given so people are aware to limit the noise impact of this. The objections state that if the proposed extension is permitted it would have a significant impact on local residents for a number of years in relation to noise and the tranquillity of the area.

- 10.11. In their initial consultation response Environmental Health Officer (EHO) was not satisfied with the contents of the NIA and requested that further work be carried out. Further information was provided which was considered by the EHO who then they recommended conditions to mitigate and lessen the potential impact of the development on the residents and amenity of the area. Significant discussions have taken place with the EHO in regard to minimising noise from the site and a set of conditions have been recommended which would mitigate the impact of the site and give further control to the authority in regard to noise including updated hours of operation, hours of pecking, noise levels and a noise management plan, which would take into account issues brought up by objections in relation to noise. The EHO raised concerns regarding the 0600 hours start for all operations and after discussions with the operator it was concluded that the only operations which were deemed appropriate during the hours which in terms of noise are classed as "night time" operations are the transporting of agricultural lime and crushed rock. It is therefore considered appropriate to be limited through recommended condition 9 where no working or access to the site is allowed expect for these operations during the period 0600-0700 Monday to Saturday with no working during this period on a Sunday or bank holiday. To limit this further the number of HGV movements allowed during this period would be limited to ten within condition 9. It is considered this is reasonable in the circumstances and allows the quarry to complete some operations at this time, which have the least impact on residential amenity. To support this recommended condition 8 is the general hours of operation restricting mineral extraction, processing, soil stripping, infilling and restoration works to between 07:00 – 18:00hrs Monday to Friday, 07:00 – 13:00hrs Saturdays and at no times on Sundays and Bank (or Public) holidays. It is considered that the operations allowed during this time period would not generate noise levels which would be unacceptable to the nearest residential properties or local amenities in the area and is therefore in compliance with Policy D02 of the MWJP and SP16 and SP20 of the Ryedale local plan.
- 10.12. In the past the operator has worked with the parish council through quarry liaison meetings to limit the impact of the site, which has included on occasion informally limiting or stopping blasting at the site, which increases the amount of pecking and also informally agreeing to limiting the hours of pecking to not start before 10am. Blasting will be discussed further in the vibration section as the impact of noise from blasting is not something that can be controlled through condition or assessed in full due to the nature of a blast event. The relationship between blasting and pecking are

interlinked and where blasting does not take place this would increase the amount of pecking and noise from this process. In relation to the pecking there is an acknowledgement that pecking is an activity can bring noise however this is within the levels that are deemed acceptable for a minerals site as shown from previous noise monitoring at the quarry and is not considered to have a significant impact on residential amenity. In regard to the specific concerns on pecking at the site and the impact of constant noise in relation to this, there is an appreciation from the operator that the noise from the works is dependent on the location of the pecking. Therefore it has been agreed that recommended condition 11 would limit the impact further that pecking carried out above eight metres from the surface of the quarry should be limited to between 10:00 -17:00 Monday to Friday and 10:00 and 12:00 on a Saturday. The pecking below eight metres from the quarry surface should also have been agreed to be limited to 8:00 and 17:00hrs Monday to Friday and between 8:00 and 13:00hrs on a Saturday. It is considered separating out the various elements of the working at the site into separate conditions gives the authority further control of the site and allows the impact of the quarry to be mitigated further than one generic condition covering hours of operation, while also giving some flexibility taking into account how the quarry currently operates. This is considered to mitigate the impact of the proposal to a sufficient level and satisfy concerns from residents in relation to the noise from pecking. Therefore it is considered that the recommended conditions in relation to the hours of operation are reasonable in the circumstances and do not need to be restricted to the levels stated in objections in relation to the application.

- 10.13. It is considered that if permission is granted it should be subject to noise limit conditions in line with PPG for mineral development and including a requirement for the operator to produce and implement a scheme to monitor and control noise from the operations which are in line with the PPG for mineral development. Paragraph 10.6 states the five residential properties that noise monitoring would be required to take place from and the environmental health officer has requested that standard operations shall not exceed the background noise level dBLA90 by more than 10dB(A) at the nearest façade or boundary and in terms of temporary operations for up to 8 weeks of the year would not be able to be above the maximum limit of 70 LAeq, 1hour (free field), conditions 12 and 13 of the draft schedule of conditions address the control of noise. The NIA and previous noise monitoring shows that the levels of noise at the site can be kept within these levels and if these levels are not kept to the council would have powers within the proposed conditions to ask for a review of noise management procedures and if required would have enforcement powers to control the site further. An objection requests that notification of this 8 week period however this is not considered necessary to residents in this instance.
- 10.14. To further mitigate the impact of the development recommended condition 14 for a noise management plan has been added to the draft schedule as requested by the Environmental Health Officer. This requires the operator to submit a detailed scheme for noise monitoring at the site which would include noise monitoring frequencies, an implementation program and how noise complaints would be processed by the site. This document would be required to be approved by the planning authority in consultation with the Environmental Health Officer to confirm it is appropriate. The condition gives the opportunity for the authority to request a review of the noise management plan if it is not deemed to be sufficiently controlling the site. The noise monitoring requirements with the management plan would be required to show

compliance with recommended conditions 12 and 13 in the schedule in relation to the specific noise levels stated at the nearest residential receptors. It is considered that these three conditions working in conjunction with each other give the local authority sufficient control of noise at the site and would not lead to any unacceptable impacts on residential amenity. On the basis that such mitigation and controls are secured by the imposition of planning conditions, it is considered that the proposed development would not result in adverse noise impacts upon any local residential property. An objection requests noise monitoring every two months, it is though considered reasonable that this is every 3 months as stated in the application documents and will be able to be reviewed annually to decide the appropriate monitoring levels going forward.

- 10.15. It is considered that the above stated conditions would prevent noise from the site through avoidance and provide robust mitigation in compliance with Policy D02 (1) of Minerals and Waste Joint Plan, it is also considered that the applicant through the liaison existing liaison committee have engaged with the local community which is in compliance with D02 (2). Compliance with Policy D02 of the MWJP is also secured through ensuring mitigation measures such as screening bunds and screen planting to be implemented in order to protect local amenity. The development is considered to be compliant with Policy D02 of the MWJP in regard to noise and cumulative impacts, Ryedale Local Plan Strategy Policy SP16 and SP20, all of which seek to ensure that there are no unacceptable impacts on local amenity through new developments. Paragraph 185 of the NPPF highlights that development needs to be appropriate for its location including any impacts from noise being mitigated or reduced. With unavoidable noise from the site being able to be controlled, it is considered to be consistent with Paragraph 210 of the NPPF which requires that criteria are set so that operations do not have unacceptable impacts to local environments.

Air Quality

- 10.16. The application is supported with the Planning Statement and Air Quality assessment which contain measures to control dust and air quality from blasting to the surrounding community and provides a systematic approach to managing particulate emissions and dust dispersion within the application boundary. For the purposes of this application air quality is most likely to be affected by emissions from plant and machinery and from the potential migration of dust associated with soil stripping, the winning, working and processing of stone and the deposit of materials to achieve the proposed restoration levels. The applicant has undertaken an assessment of the impacts on air quality arising from quarrying activities in accordance with national guidance. Existing conditions were assessed and any potential changes in conditions resulting from the proposed extension predicted and mitigation measures identified. Measures to suppress dust generated by the site include the construction of screening mounds, dust suppression by spraying earth moving and material processing activities and haul roads with water, minimisation of drop heights when loading aggregate, use of wheel wash facilities and sheeting of vehicles exporting materials from the site. Weather conditions would be monitored to determine the need to trigger dust management practices. The application currently includes an objection in regard to air quality mitigation which will be considered in this section of the report.

- 10.17. Paragraph 10.9 above within the report gives an overview of MWJP policy D02 which is also relevant in regard to air quality, specifically in regard to dust. MWJP Policy D14 also states: *'Proposals for mineral and waste development will be permitted provided that: (a) there are no unacceptable impacts on the intrinsic quality of air; and (b) there are no unacceptable impacts on the management and protection of air quality.'*
- 10.18. Ryedale Local Plan policy SP16 in regard to design requires developments to protect amenity and promote wellbeing and policy SP20 states proposals should not have a material adverse impact on the amenity of present or future occupants through a development's design, use, location and proximity to other land uses, the policy also states development will be resisted where it would cause an unacceptable risk to human life, health and safety or property, with all sensitive receptors protected. SP6 specifically states minerals extraction processes are required to not adversely affect the amenity of neighbouring occupants of the site in line with policy SP20. SP17 is also relevant in regard to air quality being required to be protected and improved with development only being permitted if the individual or cumulative impact on air quality is acceptable and appropriate mitigation measures are secured.
- 10.19. In terms of the NPPF paragraph 135 in regard to creating safe places which include a high standard of amenity for all users and 217 Point b) and c) giving great weight to the benefits of mineral extraction, including to the economy which should ensure that developments have no adverse impacts on human health and that *"any blasting vibrations are controlled, mitigated or removed at source"*. 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. The PPG explains *'whether or not air quality is relevant to a planning decision will depend on the proposed development and its location, concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor'*. It further expresses that *'When deciding whether air quality is relevant to a planning application, consideration could include whether the development would: expose people to harmful concentration of air pollutants, including dust'*.
- 10.20. There has been no objection from the Environmental Health Officer on the grounds of air quality or dust impacts. The robust mitigations which would be in place aimed at controlling the adverse effects of blasting on air quality are recommended condition 19 which requires a dust management plan which would focus on the management, control and suppression of dust. In accordance with policy D02 of the MWJP, SP17 and SP20 of the Ryedale Local plan, this condition would ensure a systematic and accountable approach to minimising dust emissions, safeguarding local amenity and maintaining environmental compliance within the application site. The design of blasting and the operational characteristics detailed within the Dust Management Plan work together to contain the effects of dust predominantly within the immediate blast area and quarry itself. Furthermore, the plan would ensure the commitment to promptly submit and implement additional control measures if deemed necessary, demonstrating proactive management and maintaining the continued wellbeing of the local community. There would also be a requirement to minimise dust emissions, especially during high winds, as the site would implement measures such as spraying

roadways and stockpiles, as well as discontinuing soil movements in windy conditions. In accordance with D14 of the MWJP and SP6, SP16 and SP20 Ryedale local plan the implementation of these dust suppression measures would help mitigate the effects of dust and improve air quality from blasting by trapping and reducing airborne particles, thereby minimizing dust dispersion into the surrounding area, protecting its amenity. Specifically in regard to SP20 of the Ryedale local plan it is considered that the development due to the mitigation proposed would not have a material adverse effect on amenity or cause an unacceptable risk to human life. The mitigation measures would reduce the potential for dust related disturbances and health issues within the local community. An objection requested dust monitoring at the site and the recommended condition is considered in this instance a reasonable approach to managing and mitigating air quality at the site.

- 10.21. There has been no objection from the Environmental Health Officer on the grounds of air quality or dust impacts. The robust conditions which would be in place aimed at controlling the adverse effects of blasting on air quality would come in the form of recommended condition 19 which would suppress, control and monitor dust. Taking into consideration the information provided, it is considered that the air quality would be acceptable and in accordance with, Policy D02 and D14 of the MWJP, Ryedale Local Plan policy SP16, SP17 and SP20 as well as national policy contained within the NPPF and PPG by ensuring a systematic and accountable approach to minimising dust emissions, safeguarding local amenity and maintaining environmental compliance within the application site.

Vibration

- 10.22. The effect upon the character of the area and the amenity of adjoining occupiers has been investigated in the report by Vibrock and has predicted the effects upon the amenity of the closest properties to the southern extension of the quarry. This includes in order of proximity: Sparrow Hall Farm, Town Green House, 42a Back Lane, Yew Tree House, Station House, Settrington Grange, Woodside Cottage, Westfield Farm and Electricity Pylons. The application includes objections in relation to the impact of vibration from blasting, the amount of blasting required and the times this takes place.
- 10.23. The Vibrock report indicates that blasts have been designed taking into account the inhabited properties surrounding Settrington Quarry stating the allowable maximum instantaneous charge weight of 8mms^{-1} at 95% confidence level, which is the previously approved level at Settrington quarry, should be continued. The report states keeping this restriction level would comply with the British standard guide BS 6372-2:2008, which is a UK standard providing guidelines for evaluating human exposure to vibration in buildings and that low ground vibration levels accompanying air overpressure would be at a safe level. The report also confirms that at this level the proposed blasts would be safe in regard to the integrity of structures and also takes into account human perception. The Vibrock report also recommends that blast vibration monitoring is undertaken at the nearest sensitive receptors of Sparrow Hall Farm and Settrington Grange which should be used to update the initial test blast regression line.

- 10.24. The applicants vibration assessment determines the allowable maximum charge weights based on distance from the blast site, ensuring vibrations comply with the acceptable limit of 8mms^{-1} at 95% confidence level and preserve amenity. Table 3 in the Blasting report gives the details of the Vibration Level Peak Particle Velocity (mms^{-1}) when a maximum instantaneous charge weight of 37.5kg is utilised in the extension area at the nearest distance to the eight closest residential receptors. This table shows that at the 95% level the highest predicted Vibration Level Peak Particle Velocity (mms^{-1}) is 3.86 which is significantly lower than the recommended 8mms^{-1} which is deemed in this instance the highest acceptable level. The highest predicted vibration level is at Sparrow Hall farm the closed residential receptor, the next highest is significantly less at 1.07mms^{-1} at Settrington Grange, the six other predicted vibration levels are all below 1mms^{-1} . Appendix C at the end of the report shows the locations of the eight receptors and table 3 from the Vibrock report shows the corresponding levels for each property. In terms of the nearby electricity infrastructure National Grid's standard threshold is 50mms^{-1} in relation to blasting activities and it is not considered that the proposed blasting would have any impact in relation to this criterion.
- 10.25. Lastly, taking into account the other recommendations presented within the Vibrock report, in order to minimise vibration impacts of blasting operations, air overpressure as well as monitoring and control have been expanded on. In terms of air overpressures the Vibrock report states setting a maximum air overpressure limit is impractical due to the unpredictability effect of variable weather conditions. Therefore, recommends adopting safe and practical measures to minimize air overpressure at source, considering factors such as initiation technique.
- 10.26. Policy D02 of MWJP states 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. Ryedale local plan policy SP16 in regard to design this states a requirement to protect amenity and promote well-being, in addition to this SP20 in regard to general development management issues although vibration is not stated in the policy wording it is considered included in regard to amenity issues, which to be acceptable are required to "*not have a material adverse impact on present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses*". The policy also requires development to be resisted where it would result in an unacceptable risk to human life, health and safety or unacceptable risk to property. SP6 also states minerals extraction processes are required to not adversely affect the amenity of neighbouring occupants of the site in line with policy SP20.
- 10.27. In terms of the NPPF paragraph 135 in regard to creating safe places which include a high standard of amenity for all users and 217 Point b) and c) giving great weight to the benefits of mineral extraction, including to the economy which should ensure that developments have no adverse impacts on human health and that "*any blasting vibrations are controlled, mitigated or removed at source*".

- 10.28. The Environmental Health Officer has reviewed the application and has considered that the Vibrock report takes into consideration the levels of vibration and impact on nearby residents of the site and these levels 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. In addition to this statement the Environmental Health Officer further recommends the inclusion of three conditions. The first condition recommendation (recommended condition 17) requires that prior to blasting operations, the quarry shall provide notification to The Grange, Settrington, Malton, YO17 8NU and the Parish Council (it is considered the Sparrow Hall Farm should also be included in this notification list). The second condition recommended (recommended condition 16) is for to limit vibrations levels to not exceed 8 mms-1 at a 95% confidence level matching the Vibrock recommendation. The third condition (recommended condition 18) is in regard to the requirement to submit a blast monitoring scheme to allow the authority to make sure that any blasting at the site is in compliance with the approved conditions. The Environmental Health Officer stated blasting would be acceptable provided that mitigation measures preventing adverse impacts are in place and it is therefore a reasonable assumption that with no objection the 8 mms-1 at a 95% confidence level matching the Vibrock recommendation is appropriate.
- 10.29. These conditions would minimise and control the impact of vibrations on the local surroundings. Therefore, it is considered that no issues would be anticipated to arise from vibration to nearby properties in the vicinity, as long as blasting is kept below the recommended site vibration criterion at residential properties, of 8mms-1 at a 95% confidence level at the given separation distances. Through the use of recommended Condition 18, the operator would 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 oversights of blasting activities, ensuring that any potential vibration and air overpressure issues are promptly identified and addressed. This is considered in compliance with Ryedale policy SP20 as the Vibrock report and proposed mitigation show that the blasting would be able to sufficiently controlled to limit any material adverse impacts to any present or future occupants or users of neighbouring land or buildings and at the levels proposed would not result in an unacceptable risk to human life, health and safety or an unacceptable risk to property.
- 10.30. Additional recommended condition 10 also considered necessary to further contribute to the mitigation of vibration, in line with MWJP Policy D02 (1) and Ryedale policy SP20. recommended Condition 10 would limit the hours blasting further to lessen the impact on amenity, ensuring that the impact on local amenity is addressed and taken into account.
- 10.31. It is considered that the proposed development of blasting at the site cannot avoid vibration due to the nature of the process, therefore is considered compliant with D02 (1) of the MWJP as it would not give any unacceptable impacts and has robust mitigation measures to control the blasting process. It is considered that the above mentioned three conditions (16, 17 and 18) would give sufficient mitigation to limit the impact of blasting on the surrounding area, to a level with no unacceptable impacts.

The second part of 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 discussed the proposal with the parish council and have not proposed to amend the Vibration Level Peak Particle Velocity of 8mms-1 which has previously been approved at the site and deemed acceptable.

- 10.32. The development is also considered to be consistent with paragraph 135 of the NPPF, as the proposed development would maintain a safe environment not compromising health and wellbeing and ensuring high standard of amenity for all. The proposal is also consistent with the NPPF paragraph 217 as the conditions attached would control and mitigate the impact of vibrations from blasting, which in this instance cannot be removed at source. The measures that would be placed to control these vibrations are considered to meet the six tests outlined in Paragraph 55 of the National Planning Policy Framework. As they are necessary to limit the impact on amenity, relevant to the specific working at Settrington quarry, and the development to be permitted. Additionally, they are enforceable, precise, and reasonable in all other respects. Each condition has been evaluated to ensure compliance with these criteria. It is also considered that the above stated conditions would satisfy the requirements of the Environmental Health officer.
- 10.33. The application has received letters of representation from the local community and concerns from Settrington and Parish Council. The representations in regard to amenity are 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. An objection also asked how the applicant would engage with the local community, especially in regard to blasting. It is considered that, in accordance with the Vibrock study of the site and its blasting effects, the impacts of vibrations can be effectively mitigated and managed with the use of the aforementioned conditions as stated in the above section of the report. Provided that blasting and its vibrations would be controlled through recommended conditions 16-18, it is deemed that the application in terms of its vibration effects is acceptable and that the proposed development would be within acceptable limits not causing material adverse effects to any sensitive receptors including Sparrow Hall farm, Settrington Grange or any other properties within Settrington village, with no risk to property. It is also considered that the conditions attached to the permission require the applicant to engage with the local community with blast notifications (condition 17) and a local liaison meeting (condition 44). It is also not considered reasonable that in an emergency situation that residents would be able to be notified of blasting due to the circumstances that would surround this situation and the speed potentially this decision would have to be taken.
- 10.34. In conclusion, notwithstanding the objections in relation to vibration the application is supported by evidence showing minimal impact on the surrounding amenity when the effects of vibrations are controlled and mitigated, which is further supported by being deemed acceptable. Therefore, it is considered that the proposal is in accordance with Policy D02 of the MWJP and SP6, SP16 and SP20 Ryedale Local Plan and consistent with paragraphs 135 and 217 of the NPPF.

Highways

- 10.35. Appendix 10 of the submitted Planning Statement is a Highways Technical Note which includes details of the roads used near the site. Access to the site is off the C350 which is a single carriageway rural road, the gates for the site are set back from the road allowing vehicles to turn in and park if the gates are not open. The C350 runs generally east/west between C349 Back Lane in the East and the B1248 in the west. The carriageway width varies along the C350, west of the quarry it is a minimum of 5 – 5.5 metres widening to 6.5 metres locally in the vicinity of the site access. East of the access towards Back Lane the carriage way width reduces to 4-4.5 metres and has passing places throughout. The Applicant has identified three routes which are used by the HGV's transporting limestone from the quarry. The first route is west along the C350 to the B1248 and is a main link with the local highway network connecting to Norton and Malton in the northwest and the A64 beyond. The second route is to the southeast where the B1248 runs through North Grimston and other hamlets before connecting to the B1253, B1248 and A166. The third route goes east of the quarry where the C350 meets Back Lane at a priority junction and Back lane goes north through Settrington and Scagglethorpe to the A64 and south to the B1248. Back Lane is of rural character in the vicinity of the quarry and is approximately 5.5 metres wide.
- 10.36. The Highways Technical Note states that when operational the current quarry operation generates between 20 – 38 HGV loads per day comprising either taking minerals out or bringing inert material in. This equates to 40 – 76 two-way movements per day or 4 – 7 per hour on average, within the application the maximum number of movements per day is stated as 112 per day (56 into the site and 56 out of the site) Monday to Friday and no more than 36 on a Saturday (18 into the site and 18 out of the site). There are no conditioned limits on HGV activity at Settrington Quarry under the current consent. It is proposed that the HGV movements for the extension area would remain at the same level and the same access point from the highway would be used. The existing visibility splay to the west of the access is longer than required for the current speeds. The visibility splay to the east has been widened to improve visibility, it hedges either side of the access need to be kept cut back to maintain the visibility splays for safety reasons. A Transport Statement was also provided as part of the submitted documents. An objection states that the HGV numbers would increase from the approval of this development, however it is considered that this development would not increase HGV movements in and out of the site with the current levels being secured through condition.
- 10.37. A large number of the responses from members of the public raised concerns relating to highway matters and HGV movements, including **from Settrington Parish Council and Scagglethorpe Parish Council**. The main objection relates to the routing of the HGVs through Settrington Village, going close to the primary school, not being considerate to other users of the highway including pedestrians, not adhering to the speed restrictions and an increase in the number of HGVs using this route due to closure of bridge between Malton and Norton being closed to HGVs. The parishes council specifically request all vehicles to arrive and leave the site by route 2 which is towards Norton avoiding the villages. Concern was also raised about the visibility splay at the quarry entrance, the HGVs causing damage to the verges and footpaths,

people have difficulty walking along Back Lane due to the number of HGVs, HGVs unable to pass each other on the narrow roads, the HGVs bring mud and debris onto the road and passing places need to be upgraded to maintain road safety and avoid damage to vehicles. Some responses suggested lowering the speed limits to slow the HGVs down and concern that the number of HGVs entering and exiting Settrington Quarry would increase.

10.38. A further objection was also received in regard to the impact on a tunnel on Back Lane, after further clarification from the consultee National Highways (Historic Railways Estate) who maintain the tunnel there response was that there were no concerns in regard to HGV traffic on back lane and the impact on the tunnel which it is considered can take this number of movements, to further support this the road Back Lane does not have a weight restriction. Settrington Parish Council and an additional objection requested that a new site access be located on the B1248 and the site accessed from the south through agricultural fields. An objection was also received in regard to using the railway line nearby for transportation of minerals. In relation to the suggestion of a new site access and transportation of mineral by rail the application is required to be determined against the information that is currently submitted and, in this instance, it is considered the information provided and proposed HGV routes are acceptable. It is also not considered reasonable to link the quarry development to any potential Norton lodge housing development or link road as it is considered that there is sufficient information provided by the applicant to address any potential highways impact.

10.39. The Local Highway Authority's (LHA) initial response highlighted that the villages of Settrington and Scagglethorpe experience some disruption due to HGVs travelling towards the A64 and if extraction continues this route will experience further congestion, however acknowledged that not all HGV movements were from the quarry. The Local Highway Authority has requested the developer to offer improvements along the route to the A64 to assist both drivers and residents who would have to suffer the additional vehicles for a longer period. The Highways response to the re-consultation stated that verges have been damaged as the road width is not wide enough to comfortably accommodate passing HGVs. The verges are being run over which means the edge of the carriageway is being eaten away meaning the LHA has to pay for repairs. The widened areas should be made into formalised passing places.

10.40. Following a site meeting between the LHA and Applicant and further information being provided a further response was issued stating that the LHA requests that the developer shall undertake mitigation measures to offset the impact of quarry traffic on the roads which link to the major transport corridors. The identified routes as stated in paragraph 10.35 are not major transport links so therefore where possible the LHA wishes to see improvements made to the local network. The LHA seeks improvements to the C348 at locations within Scagglethorpe Village and improvements to the C350 (Back Lane) to provide hard standing areas for if vehicles need to leave the road for any reason on the way to or from the quarry. The LHA expects that the extension of the quarry will not increase traffic levels and the suggested improvements will enable existing flows to continue from the quarry and is satisfied that the routes highlighted in the application documents will allow the quarry to operate with reduced safety concerns once mitigation measures are implemented.

The LHA recommend a condition for the delivery of off-site highway works to cover the work on the C350 (Back Lane) and within Scagglethorpe, and a second condition requiring a Construction Management Plan. After discussion with the LHA it was considered that the most appropriate route for these two off site schemes were required to be secured through a S106 agreement. The Scagglethorpe works would require a £26,000 contribution to the Local Highways Authority and the Back lane works would be completed by the operator and would require a separate Section 278 agreement with the local highway's authority. The highways authority did not request a routing agreement however stated the routes shown in the application documents were acceptable. The applicant has though proposed as part of the S106 agreement to include a routing scheme which identifies the routes as shown in the application documents, which would formally secure these.

- 10.41. The relevant policy in regard to highway matters is MWJP Policy D03: Transport of minerals and waste and associated traffic impacts, which supports proposals where road transport is necessary, providing there is capacity within the existing highway network for the level of traffic proposed, and the nature, volume and routing of vehicles would not have an unacceptable impact on local communities and other users of the highway network, access arrangements are appropriate to the predicted levels of vehicle movements, and there is adequate on-site manoeuvring, parking and loading/unloading space. Within the Ryedale local plan the relevant policy in regard to minerals development and transport is SP6 which states industrial processes in open countryside locations would be supported where they can be satisfactorily accommodated on the highways network and will not lead to significant adverse highways impacts. NPPF paragraph 114 d) states it should be ensured that '*any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*' NPPF paragraph 115 state that '*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'
- 10.42. Settrington Quarry has been operational for many years and the same access is proposed to be utilised for the extension area. It is considered that the access is acceptable and there is adequate room for entrance, exit and manoeuvring of the HGVs using the site. There are existing wheel washing facilities which will continue to be used before vehicles leave the site. The number of HGVs entering and leaving the site will remain the same and this would now be secured through recommended Condition 21 in Section 12 of the report, **which is higher residents in objections have requested but is deemed acceptable by the local highway's authority**. A Condition to limit the number of HGVs attending site between 6:00 and 7:00 and only allowing the loading of agricultural lime during this hour has been included as Condition 9 in Section 12 of the report. A condition requesting the provision of a Construction Management Plan, within one month of the date of the decision is included in Section 12 as Condition 23. There would also be conditions 24 in relation to mud on the road and Condition 25 in relation to HGV sheeting in the interests of road safety and the amenity of the area. To secure the delivery of the highway works off-site, as these works are outside the red line boundary and amendments to the highway they would need to be secured by a S106 agreement and a S278 agreement which would need to be completed before work is undertaken. The applicant has also agreed to include

in the S106 agreement a formal highways routing agreement, which until now has been informally imposed and not secured through the previous planning permissions at the site, although it is not considered reasonable for this routing agreement to stop the use of routes 1 and 2 on the plan, as the highways authority have not stated that these routes should not be used. Although an objection states these conditions are not clear it is considered these are sufficiently precise that they can be monitored by the planning authority and are deemed acceptable by the relevant consultees.

- 10.43. The LHA consider that the highway has ongoing capacity for the proposed number of HGVs although work on certain parts of the highway has been requested to mitigate the damage which has previously occurred from the current movement of HGVs under the current permission. The Applicant has agreed to provide a solid base for the passing places requested on the C350 (Back Lane) and provide the requested contribution to the works to improve the kerbing in Scagglethorpe. The agreed improvements to the highway network would improve the safety of other road users, and controlling the number of HGV movements associated with the quarry will ensure that there is not an increase in the impact on the highway network or on other road users. Therefore, with the proposed mitigation in terms of conditions and improvements to sections of the local highway network it is considered that the proposed development, with the above stated mitigation is consistent with local policies SP6 of the Ryedale local plan and D03 of the MWJP and national policy and is acceptable in the planning balance.

Landscape and Visual Impact

- 10.44. Appendix 8 of the submitted Planning Statement is a Landscape and Visual Statement which includes an assessment of the landscape and viewpoints associated with the extension area for the quarry over the 13-14 year period. The statement concludes that the extension area has a medium landscape value, although its location within the wider Area of High Landscape Value (AHLV) may suggest a higher value and the landform of the site reflects a key characteristic of the limestone ridge which is a component of the wider Wolds landscape but on a smaller scale. The application area has low intervisibility with adjacent areas, no public access, low natural and cultural heritage value and no natural vegetation and is currently an agricultural field.
- 10.45. The Landscape and Visual Assessment also considers baseline views and visual amenity, at the outset the assessment confirms that the visual amenity of the study area overall is high due to the availability of distant and sometimes panoramic views of the landscape which has a distinct character. The visual envelope of the proposed extension, i.e the area from which the proposal may practically be seen taking account of local screening, has been determined by comparison of the Zone of Theoretical Visibility (ZTV) with the findings from a site visit conducted from the public rights of way, highways and publicly accessible locations within the study area. The comparison confirmed that the visibility of the proposed extension area would be considerably reduced in comparison with the ZTV due to the screening effect of existing vegetation and the secondary effects of distance which would result in the site becoming smaller and a barely perceptible component in the landscape. The LVIA concludes that there would be limited visibility of the extension area across the landscape and that the impact of the development would be at the local level with moderate adverse effects on the soil and scenic quality of the site during operation,

however these would be reduced during restoration, the restoration of the site would include slight beneficial health and sustainability of agricultural land use. The proposal would also give moderate beneficial effects in terms of landcover and vegetation due to the nature conservation elements of the restoration of the site. In terms of visual effects these would be localised with no more than a slight adverse impact during operation and no change to visual amenity following restoration. The LVIA therefore concludes that there are no conflicts with the relevant planning policy in terms of landscape.

10.46. In terms of visual impacts nine viewpoints were assessed and four of these show there would be no change from the extension to the quarry as none of the minerals extraction would be visible, due to localised screening by intervening vegetation (during both winter and summer months), these included from Town Street in Settrington village (viewpoint 4), High Bellmanear on the Yorkshire Wolds Way a long distance path (Viewpoint 5), on the B1248 Beverley Road (viewpoint 7) and Brambling fields access road off the A64 (viewpoint 9). The remaining five viewpoints are either partly restricted being screening by landform, vegetation or it being part of a larger panorama. Views from these receptors would have a medium to high sensitivity to minerals extraction. See below a specific analysis from the LVIA in regard to the remaining viewpoints:

- Viewpoint 1 – Back lane opposite the site access. There are views into the quarry from the quarry access road which would continue to be utilised, this is a local road which can be used by walkers. The viewpoint has a medium sensitivity and a magnitude of change would be low adverse with the level of effect being slight adverse during operations.
- Viewpoint 2 – Langton Lane North. This is a route with public access running alongside the quarry boundary and users would have a high sensitivity to minerals extraction. The landform though rises to the east blocking views into the interior of the site and new bunds would be evident. Changes to views here would be low adverse, with a moderate level of effect but due to the localised nature of very restricted views in certain locations would have a slight adverse effect.
- Viewpoint 3 – Langton Lane Central. This is further down the public access track which is enclosed with mature native vegetation, with occasional gaps to allow views to the extraction area which may include surface activity during the final phase of the quarry. The landform rises and further views may be possible during winter months. Changes to views here would be low adverse, with a moderate level of effect but due to the localised nature of very restricted views in certain locations would have a slight adverse effect.
- Viewpoint 6 – Luddith Road at Grimston Brow. This is 3.3km from the site on the Wolds boundary and has a high sensitivity view, with panoramic views over the wider landscape which includes the applications site. The semi mature broadleaved plantation screens the eastern side of the existing quarry and early phases would be barely perceptible. As extraction goes onto phase 4 and the bunding during phase 5 this would be visible. This would have a low adverse magnitude of change due to the later operational phases. Due to the long distance and small scale changes the assessment considers it would be a small contrast to the landscape with a slight adverse impact.

- Viewpoint 8 – Langton Road. This is 2.08km from the site south west, this is enclosed by dense hedgerow but a gap for a field gate opens up oblique views to the application area. Walkers would have a high sensitivity to this view. Surface phases would be perceptible and later phases would be screened by bund D on the southern boundary. There would be a low adverse magnitude of change and the small scale changes to the landscape would result in the level of effect being slight adverse.

10.47. After restoration there would be further changes to the views into the site. The site access from back lane would be scaled down and views due to this would be reduced overall, however the retention of the shed in the restoration scheme is a change to the currently approved plan and would continue to have an adverse impact. The LVIA therefore states the magnitude from Back Lane would remain low adverse and the level of effect remain slight adverse. From Langton Lane (Viewpoints 2 and 3) views would be improved due to the removal of the bund, which would be replaced with a native hedgerow and trees and over time would give greater screening. The magnitude of change for Langton Lane would be low adverse effect with a slight adverse level of effect that reduces to negligible neutral with no change as time progresses. Viewpoint 6 at Luddith Road would have long distance views with a slight adverse impact and by 15 years the woodland block would interrupt the remaining view, with negligible adverse change and having no change in terms of effect. Langton Road (Viewpoint 7) with the removal of bunds would be a benefit but also reveal the upper face of the quarry, with low adverse magnitude of change and a slight adverse level of effect. The LVIA states over time due to screening this would change to negligible adverse change and effect would be no change.

10.48. The relevant policy in relation to Landscape includes MWJP Policy D06: Landscape and RLPS Policy SP6 and Policy SP13: Landscapes both of which require the protection of landscapes and that there would be no unacceptable impact on the quality or character of the Landscape when mitigation measures have been taken into account. NPPF Paragraph 180 promotes the protection of the landscape and character of the countryside. The landscape character area which could be impacted is the Yorkshire Wolds, which is currently being considered for being designated as a National Landscape (formerly named Area of Outstanding Natural Beauty (AONB)). At present there is a consultation on the boundaries of the proposed Yorkshire Wolds National Landscape and the existing quarry and allocated site subject to this application are outside the proposed Yorkshire Wolds area but is located immediately adjacent to the proposed designation. Ryedale Policy SP13 states in regard to the Yorkshire Wolds *“The Yorkshire Wolds and Fringe of the Moors are valued locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield.”* The application includes an objection due to the Settrington being included in the new AONB (National Landscape) and the loss of chalk land.

10.49. It is considered that the proposed extension area screening and views from of the site from the surround area during operation would not have an unacceptable impact on the landscape, including the proposed Yorkshire Wolds, due to the information provided in support of the application. In addition to this the proposed phased

restoration scheme to limestone grassland would create a grassed landform which would blend in with the surrounding landscape and in the long term have a positive impact on the environment. This is supported by Natural England have not objected to the proposed development but noted in their response that the site is located in or near the Yorkshire Wolds which is being assessed to be designated as an Area of Outstanding Natural Beauty (AONB). Policies M09 and M15 of the MWJP acknowledge that mineral can only be extracted from areas where it is located. The site is an existing quarry and it is not considered that this proposal would significantly increase its impact on the surrounding landscape, apart from the length of time being extended for extraction at the site and it is considered that the benefits of the proposal extending an existing minerals site extracting a viable minerals resource outweigh any minor impacts from the extraction which are stated in objection to the proposed development. A further objection states there should be requirement for robust fencing at the site, it is considered that a quarry site is required to be secure in terms of health and safety regulations however the existing condition for the site to be securely fenced will be maintained on this permission.

- 10.50. Whilst there would be some impact on the landscape as stated in paragraphs 10.45 and 10.46 in the short term until extraction and restoration is complete, screening is in place to minimise the visual impact of the site on the landscape and over all the proposal meets the principles of policy SP13 through protecting existing landscapes and ensuring that restoration will be undertaken to reinstate, reinforce and improve landscape character to the site upon completion of mineral extraction. Policy SP13 of the Ryedale Local Plan seeks to ensure that developments protect and enhance the distinctive elements of landscape character, this proposal through its mitigation measures and position in the landscape is considered to protect the setting of the village of Settrington, the surrounding hills and valleys due to the topography of the site and the use of screening bunds.
- 10.51. The proposal along with its progressive restoration would enhance the area in the long term, although the quarry amends the landform of the area it would not appear incongruous and its topography would fit within the landform of the area. In the residential amenity section of this report the impact of noise, dust and vibration is considered which are all deemed to be acceptable in terms of impact on the area and it is therefore considered that the proposed extension to the quarry is of an acceptable level and an appropriate type of activity for the location as would not significantly impact the tranquillity of the landscape. This is supported by the Landscape Architect after the Applicant provided the further information in regard to more detailed phasing plans to explain stages of restoration, stated that the conditions and S106 agreement show a progressive restoration and long term management which would protect landscape qualities in proximity to the site protected, with adverse effects minimised, resolving their Landscape Architects concerns. The consultee has agreed that the landscape details can be submitted as one scheme for the control of lighting to reduce night-time adverse effects, these could be secured by suitably worded conditions, one scheme for landscaping to now be submitted, which gives the opportunity for the approved scheme to be reviewed if requested by the planning authority. The requirement for restoration details is secured by condition 41 (restoration scheme) and 42 (Aftercare Scheme) and control of lighting is secured by Condition 20. Furthermore Policy D06 in the MWJP states that development should not adversely impact on the landscape, and if it does a high

standard of design and mitigation needs to be employed to ensure the landscape is not adversely affected in the long term. Policy D06 of the MWJP seeks to protect landscapes from harmful effects and supports proposals where there would be no unacceptable impact on the quality. It is considered, the proposal would not have an unacceptable impact of the landscape and the proposed measures would minimise the impact by the construction of temporary soil storage/screening mounds for the operational and restoration phases and the planting of a hedgerow would be acceptable.

- 10.52. Policy D10 deals with reclamation and aftercare of mineral and waste sites ensuring they are carried out to a high standard and, in terms of minerals extraction, deliver a more targeted approach to restoration that is relevant to the scale, nature and location of sites. The restoration scheme for the Settrington would include a range of nature conservation land uses. Screening is in place on the site to minimise the impact on the landscape and the restoration scheme seeks to provide enhancement to the landscape in the long term by the creation of different habitats through inclusion of hedgerows. The Landscape Architect also recommended a requirement for a detailed landscape maintenance and management plan which is secured by Condition 40. The LEMP working with the restoration scheme and aftercare scheme should differentiate restoration at each working phase including ongoing maintenance for the advanced landscape works and preceding restored phases, to be maintained throughout the operational phase of the quarry, then at least 5 years after the final phase of restoration (or inclusive within the post-completion BNG maintenance management period, whichever is the greater).
- 10.53. Paragraph 180 of the NPPF highlights that planning applications should conserve and enhance biodiversity and landscape; in this instance the restoration scheme is designed to improve the landscape and habitats on the site in the long term. It is also therefore consistent with paragraph 217 of the NPPF states that planning authorities should provide for restoration and aftercare. Furthermore, as the site is outside the National Park and the continuation of operations is demonstrated as being in the public interest relating to local economy and regional need for mineral, the proposal is supported through paragraph 183 of the NPPF.
- 10.54. It is therefore concluded, that whilst introducing a change to the landscape, the change would be localised, would not be significant, and, in the longer term, through the restoration of the site (which would be controlled by conditions 40, 41, 42, 43 and 44) and would be the subject of an extended aftercare plan through the proposed Section 106 Agreement. Given the scale of the proposal and its distance from the villages of both Settrington and Scagglethorpe, it is considered their historic character and locations in the landscape would not be adversely affected. It is considered, therefore, that whilst the proposal is located in a valued landscape, the landscape would not be so adversely affected and would continue to be protected by the proposed landscaping measures as part of the operational life of the site and restoration proposals. The proposal is therefore considered to be acceptable for the purposes of the NPPF, Policy DO6 of the MWJP and Ryedale Local Plan Policies SP6 and SP13.

Soils and Agriculture

- 10.55. Policy D12 of the MWJP seeks to protect Best and Most Versatile Land (BMVL) and requires soils to be conserved and managed and used in a high standard of restoration. Policy D12 requires BMVL to be protected from unnecessary and irreversible loss, but where its loss can be justified; proposals should prioritise the protection and enhancement of soils and the long term potential to recreate areas of BMV land. Paragraph 205 of the NPPF requires restoration and aftercare to be achieved at the earliest opportunity and for it to be to high environmental standards, through the use of appropriate conditions. Ryedale Policy SP17 in regard to management air quality, land and water resources protects best and most versatile agricultural land and if a site is not allocated would be resisted unless it can be demonstrated that it cannot be located elsewhere and the need outweighs the loss.
- 10.56. The proposed extension area is in arable agricultural use. A soils analysis carried out by the applicant identifies the application site to all be of grade 3b and therefore there are no best and most versatile soil resources in the proposed extension area. The soils stripped before extraction would be able to be stored in bunds within the site and on completion of extraction, the stored soils would be removed and used in the restoration of the site. The application includes an objection on the impact on agricultural land. It is acknowledged that the land in its current use is of value to the agricultural economy, and that national policy seeks to avoid the loss agricultural land. However, minerals can only be worked where they occur. It is understandable, geographically, why it is proposed to extend the quarry in the direction proposed; there is no other direction for it to progress given it is constrained on other boundaries. Whilst it would result in the permanent loss of agricultural land, it would facilitate the winning of a valuable mineral reserve as an extension to an existing quarry site. The resultant void is proposed to be restored in a way that would give benefits in terms of nature conservation with the restoration enhancing the biodiversity of the area.
- 10.57. The proposed extension would ensure a continued supply of building materials and associated products from a sustainable extension of an existing quarry, which would utilise existing infrastructure and retain employment. It is considered the wider economic benefits of the proposed development should be given weight and consideration. These benefits and the opportunity to create a more diverse agricultural and ecological environment are considered to outweigh the loss of Grade 3b BMV agricultural land. It is therefore considered subject to proposed conditions 26-30 and 40, the proposal would not be in conflict with the intentions Policy D12 of the MWJP or the NPPF. The proposal is also in compliance with the Ryedale Local plan policy SP17 in regard to managing land due to not resulting in the loss of any BMV land but is also an allocated site.

Ecology and Biodiversity

- 10.58. The proposed development is not within any ecological designated sites. Appendix 9 of the submitted Planning Statement is a Preliminary Ecological Appraisal. The relevant policies in relation to ecology and BNG are MWJP Policy D07: Biodiversity and geodiversity RLPS Policy SP14: Biodiversity. Both policies have the stance that the proposed development would not have an unacceptable impact on local or national designations or biodiversity. NPPF Paragraph 180 promotes protecting sites of biodiversity or geological value and providing net gains for biodiversity.

- 10.59. The Ecology Team responded to the consultations stating that appropriate surveys had been undertaken and few constraints were identified in terms of protection of species and only one species poor hedgerow would be removed. The Ecologist supported the restoration to limestone grassland and associated habitats as it will make a valuable contribution to restoring lowland calcareous grassland which is a national and local priority habitat on the edge of the Yorkshire Wolds. The seed mix needs to be agreed between the Applicant and Ecology, which is to be secured via the Landscape Environmental Management Plan (LEMP condition 40). The effects on the River Derwent SAC, located 3.6km away, have been considered and significant effects on the SAC can be ruled out. Concerns raised by local residents in terms of ecology include that the site is near the River Derwent SAC, that an existing hedge will be removed, a bat survey needs to be undertaken and that Settrington is included in proposals for a new National Landscape (formerly named Area of Outstanding Natural Beauty (AONB)) and so is a 'special area' so concerned about the impact will have on loss of chalk land. Natural England and NYC Ecology Team raised no concerns about proximity of the site to the River Derwent SAC so it is considered that the proposed extension would not have any adverse impact on the SAC. During the phased working of the extension area a hedge which currently cuts across the field will be removed, but new hedges are to be planted along the southern and western boundary increasing the amount and quality of hedging. The land within the site is to be restored to limestone grassland which will be of high quality and reflect the type of landscape surrounding the site, the ecologists have no issues with the ecological appraisal as submitted and within this report the potential designation of the Yorkshire Wolds Landscape character area have been considered in the landscape section of the report.
- 10.60. The planning application was submitted prior to 12 February 2024, when the Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) but as part of the submission documents the Applicant included a Biodiversity Metric. In their response the NYC Ecologist stated that in terms of BNG the Biodiversity Metric calculation shows a 63% uplift in terms of area based habitats and a 286% increase in hedgerow units, this complies with policy and demonstrates significant gains for nature. Although there is an objection in regard to hedgerow removal it is considered that this 286% increase in BNG hedgerows is acceptable in this specific instance. Local residents provided comments stating that the site should achieve BNG and be delivered and maintained for 30 years and the nature and type of infill materials for restoration needs to be closely controlled, which will be secured through condition and the S106 agreement.
- 10.61. The Ecologist states although the application pre-dates mandatory BNG the NPPF recognises the need for long-term maintenance of newly created habitats to provide meaningful compensation for losses. Furthermore, it takes time to establish new habitats: a weighting to take account of this, known as the 'temporal multiplier', is incorporated into the Biodiversity Metric. In this instance, the Metric assumes a 10 year delay to successfully establish lowland calcareous grassland (the key restoration target) in moderate condition. It assumes an 8 year delay to establish the same habitat in Fairly Good condition. On this basis, a 15 year aftercare period would only cover 5 to 7 years of well-established habitat. Therefore in this instance a 30 year

aftercare requirement is required, which has been agreed with the applicant.

- 10.62. The NYC Ecology Team suggested mitigation in the form of recommended conditions, the first being before commencement of each phase of quarrying an ecological walkover survey should be undertaken to check for any evidence of protected species and a brief report should be provided to the Local Planning Authority and recommendations adhered to. This is included as Condition 31 in Section 12 of this report. A second recommended condition requires that any clearance of vegetation should be undertaken outside the bird breeding season, if this is not possible, a suitably experienced person must confirm that no nesting birds are present and any nests which are discovered must be left undisturbed until the young have fledged. This is included as Condition 32 in Section 12 of this report. In regard to the application the Ecologist has stated that there is no requirement for an Ecological CEMP due to the Preliminary Ecological Appraisal report giving minimal recommendations which would not warrant a condition in regard to an Ecological CEMP.
- 10.63. The Applicant is preparing a S106 agreement and one of the requirements is for the developer to prepare and submit for approval a scheme for a long term and management and aftercare of the extension and securing the restoration/long term management for the wider site. From an ecology point of view key information within the S106 long term management scheme would include information on how suitable substrates will be formed for the creation of calcareous grassland, information on seed sources for grassland creation, preferably using local sources, information on how habitats would be established, maintained and monitored and any protected species mitigation measures. Condition 42 in section 12 of this report secured the first 5 years of aftercare at the site with the rest of the long term management secured through the S106 agreement.
- 10.64. It is considered that with the information provided by the applicant and response from the ecologist the proposed extension is consistent with relevant local MWJP Policy D07: Biodiversity and geodiversity RLPS Policy SP14: Biodiversity and the NPPF in regard to paragraph 180 as would provide net gains for biodiversity. The mitigation provided in the form of conditions and S106 agreement ensure that the proposed development is acceptable in terms of ecology and biodiversity.
- 10.65. In conclusion, the proposal is accompanied by an ecological assessment; there is no evidence the proposal would have an unacceptable adverse effect on the ancient woodland or ecology of the area subject to the employment of mitigation measures that could be controlled by condition. There would be no loss of trees and additional trees and hedgerow are proposed as part of the restoration proposals. The arable field currently host little of ecological interest. The proposed restoration and planting of trees and hedgerows would potentially result in ecological net gain over that which is currently present. The aftercare period would be for an extended period of 30 years secured through the provisions of a proposed Section 106 Agreement.

Restoration and Aftercare

- 10.66. Policy D07 of the MWJP requires schemes to achieve net gains for biodiversity through design scheme, including any proposed mitigation measures. Policy D10 requires positive and diverse restoration and aftercare to a high standard in a

progressive way where possible, protecting soils where a proposal is on best and most versatile land and provide net gains for biodiversity; and Policy D12 requires the protection of agricultural land and soils. Paragraph 217 (e) of the NPPF supports proposals that provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards and which can be controlled by conditions.

10.67. Following the extraction of Jurassic limestone, the proposal is to progressively restore the residual void, building on the existing restoration scheme for the site to a combination of semi-improved grassland, species-rich limestone grassland, conservation grassland, species rich native hedgerow and trees and shrubs and wetland vegetation, which would include some material to be imported to the site for restoration purposes which would be inert materials. The soil mounds would be removed and used in the restoration; peripheral hedge planting would be retained where possible. To achieve the proposed restoration levels and create the stabilising slopes, the proposed extension area would necessitate the progressive deposit of inert materials throughout the mineral extraction area and with a further one year beyond the cessation of mineral extraction to achieve the proposed final restoration levels following the cessation of mineral extraction. It is proposed to import approximately 100,000 tonnes of inert materials per annum typically soils or clays from large excavation contracts or local development contracts, this importation of material has been considered in the HGV number condition in relation to this application and is considered an acceptable number of movements within the highways network. The restoration would be similar to that approved under previous permission for mineral extraction, however would now be covered by a S106 agreement for the site. An objection has requested that a bond should be put forward by the applicant to further secure the restoration of the site and Settrington Parish Council have requested similar, in this instance it is not considered this is necessary as the authority would have enforcement powers if the restoration was not completed to the required standard and any other issues such as a pollution or safety incident would be dealt with through other regimes. There is also an objection in relation to the type of material that would be imported to the site and a comment from Settrington Parish Council in relation to the infilling operation and its progress. The restoration is considered to be progressive so the authority will monitor its progress through the extraction phase and liaise with the operator on progress and the material imported is controlled through an Environmental permit in relation to the site but would be kept to inert construction and demolition waste. The S106 agreement also provides for the site to be restored in accordance with a Long term Management Plan and which provides for an additional 30 years of aftercare of the restored site, in addition to the standard 5 years aftercare condition. This is deemed necessary to ensure the success of the restoration for the purposes for which is designed – calcareous grassland and woodland planting. Condition 41 and 42 also request detailed restoration and aftercare schemes. In addition to this and the parish councils concerns condition 43 requires an annual review of the operation and restoration of the site and condition 44 requires an annual meeting on the same issues to discuss progress, the information required from these conditions it is considered would satisfy these concerns.

10.68. Natural England, Ecology and the Landscape officer support the restoration proposals and, subject to long-term management, the ecological benefits they may

bring, these are discussed in further detail in the Ecology and Biodiversity, Landscape and Visual Impact and Soils and Agricultural sections of this report. The proposed restoration of the site would be a continuation of that currently underway and which has previously been found acceptable. The proposed restoration and aftercare scheme is acceptable and would allow a high standard to be achieved contributing to and improving the ecological diversity in the area. The applicant is willing to enter into a new Section 106 Agreement to provide for an extended 30-year aftercare scheme.

- 10.69. The proposed restoration and aftercare would accord with policy D07 in that it would contribute to biodiversity in the area; policy D10 in that would provide for a progressive, phased restoration using imported recycled inert materials to achieve a high standard of restoration; and policy D12 in that it would achieve a high standard of agricultural restoration. The proposed restoration and aftercare would also comply with paragraph 217 e) of the NPPF in that it would provide for progressive restoration and aftercare at the earliest opportunity to high environmental standards and which could be achieved by proposed planning conditions 41, 42, 43 and 44 with an extended aftercare period of 30 years in total through the proposed legal agreement. The proposed restoration and aftercare are therefore considered acceptable and complies with the policies of the development plan and paragraph 205 (e) of the NPPF.

Heritage and Archaeology

- 10.70. The Applicant submitted two documents related to the archaeology of the site, Appendix 6 is a Desk Based Archaeological Assessment which identified four Designated Heritage Assets within one kilometre of the proposed extension area, including a Scheduled Monument, two Grade II Listed Buildings and the Settrington Conservation Area. The Scheduled Monument and Listed Buildings are assessed as of national importance, of high significance and high sensitivity. There is an objection which states the proposed conditions do not give enough protection to the Grade II listed asset of the Settrington Estate. There is also an objection to the proposed development in relation to the desk based assessment not being sufficient and also in regard to the impact on heritage assets other than ones being 1km of the site not being assessed, however it is considered that the information submitted with the application in this instance has sufficient detail to be able to determine the application. The Conservation Area is assessed as of regional importance, high significance and high sensitivity. No Designated Heritage Assets are located within or bordering the proposed extension area, which is largely screened from the existing landscape by the effects of land use and topography.
- 10.71. The application includes a Heritage Impact assessment (HIA) which states limestone extraction has taken place at Settrington Quarry since the 1800's and was re-opened in 1939 due to demand for stone during the war effort. The nearest heritage asset to the quarry is Settrington Grange Farmhouse approximately 380 metres from the proposed extraction area, this is a Grade II listed building (NHLE 1315803, NYCC HER ID's DNY9843 & MNY13344), with farm buildings north of the main farmhouse also being grade II listed (NHLE 1173979 HER ID's DNY10878 & MNY13343), an objection in relation to the application has been received in relation to the quarry activities moving closer to Settrington Grange. The village of Settrington is also mostly covered by a Conservation Area, with 53 grade II or II* listed buildings and one

Scheduled Monument. The assessment states views of between Settrington Grange and the quarry are not visible due to a dense tree belt, agricultural land and formal gardens with the LVIA stating that views are *“very restricted by very restricted by the combination of landform and intervening vegetation, and the semi-mature broadleaved plantation along the combined eastern boundaries of the quarry and Application Area screens views from the site”*. The assessment states the proposed extension would cause no harm on the setting or significance of the designated heritage assets within 1km of the site boundary or within the Settrington Conservation Area, concluding if the recommendations provided with the application in regard to highways and noise are implemented there would be no harm to nearby heritage assets.

- 10.72. The report also considered the possible presence of archaeological remains within the proposed extension and concluded that there are no known nationally important archaeological remains located on the site to prevent the quarry extension. The second document is Appendix 7 which is an Archaeological geophysical survey of the proposed extension area. The aim of the survey was to establish the presence or absence. Extent, character, relationships and possible date of archaeological features within the proposed extension area. The survey identified a probable infilled archaeological ditch and a number of additional anomalies. The NYC Archaeology Team responded stating that there are potential areas of archaeology interest within the extension area, advising a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with the development proposal. Following on from the NYC Archaeologists comments they proposed a pre-commencement condition that a Written Scheme of Investigation be submitted and approved before development commences and for it to be adhered to during the development, this is listed as Condition 37 in Section 12 of the Report. Comments from members of the public included that a desk based assessment had been undertaken but further investigation is required. The desk based assessment only considers the visibility of heritage assets and no other effects. There is a Grade II listed building within 1km of the site listed in table in the report but there are more in the area which need to be added and assessed. Settrington Wood is 2.5km to the east of the site and it is not considered that this proposed development would have any impact on this due to the distance and topography of the area.
- 10.73. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid in the exercise of planning functions to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. The consideration of potential harm to heritage assets is considered within paragraphs 205-210 of the NPPF (Conserving and enhancing the historic environment) which sets out how to consider the impact or harm of a proposed development on the significance of a heritage asset.
- 10.74. MWJP Policy D08 lends support to those proposals that are able to conserve and, where practicable, enhance those elements that contribute to the significance of the area’s heritage assets (both built and archaeological) including their setting. Policy SP12 of the Ryedale Plan Local Plan also seeks to protect, conserve and enhance the historic environment and assets and resist development proposals that would result in harm or loss of historic assets (including listed buildings) unless exceptional circumstances can be demonstrated. SP12 of the Ryedale Local Plan in relation to

preserving the historic environment and where appropriate enhancing it, which includes preserving the nationally significant archaeological landscapes of the Yorkshire Wolds. The policy also states proposals should work with landowners to encourage sensitive land management in the Wolds.

- 10.75. 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 as stated in the HIA are listed buildings at Settrington Grange, the Settrington Conservation area and the listed buildings within this, these assets importance has been considered during the application process and therefore 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. Significant harm or loss to such a Grade II listed asset should not occur without strong reasoning and only in exceptional circumstances.
- 10.76. In this case it is considered that although the quarry being extended south would move the site closer to Settrington Grange the proposed development would not cause any harm or loss to the listed assets of Settrington Grange or its setting due to the tree screening belt between the heritage asset and the quarry, the topography of the land and the mitigation measures to be put in place through conditions attached to this application. Furthermore it is considered that the impact on the Conservation area and the 53 listed buildings within it, which are further from the application site than Settrington Grange would also not have any harm or loss caused through this application. Paragraph 207 of the NPPF states that where a proposed development would lead to substantial harm to or total loss of significance of the designated heritage asset, consent should be refused unless it can be demonstrated that substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against public benefit.
- 10.77. Since there is no harm to the heritage asset, there is no requirement for an assessment of public benefits that outweigh the harm. In this instance the planning judgement is that there is a clear requirement for Jurassic limestone and that minerals can only be quarried where they are found, therefore deemed acceptable as it would secure the sites optimum viable use. In consideration of paragraphs 205-210 of the NPPF the balanced planning judgement is that no harm would be brought about to the designated heritage asset by the proposal. There are heritage assets in the locality of Settrington Quarry, the nearest one being Grade II listed Settrington Grange, but there is heavy screening in the form of woodland and hedges so the existing quarry and proposed extension area do not have any impact on the heritage assets or their settings and so the proposed development is consistent with MWJP Policy D08 and RLPS Policy SP12. It is also considered that the application gives through the conditions attached to the site in terms of protecting residential amenity and the

highway also protect it sufficiently in regard to the listed buildings and heritage assets of the area.

- 10.78. In light of the above, it is considered that the impact of the proposal upon cultural heritage assets has been fully assessed and appropriate mitigation included in accordance with policy set down in respect of heritage assets within the NPPF and in compliance with D08 of the MWJP and SP12 in the Ryedale Local plan in regards to Heritage Assets due to the applicant clearly justifying within the HIA that the proposal would not have significant impacts on the heritage assets and it is considered on balance that the public benefit of the proposal outweighs the slight impact on the heritage asset.

Flood Risk/Hydrology

- 10.79. Settrington Quarry site lies on the Limestone part of the Coralline Oolite Formation which is designated as a principal aquifer. The application has received an objection requesting a Strategic Flood Risk Assessment. However the site is within Flood Zone one and the applicant has therefore not submitted a separate document in regard to flood risk but has covered the issue in the Planning Statement. This states that the quarry floor will be maintained approximately 2 meters above the maximum recorded groundwater level in common with sections of the existing quarry operations at the site, and as such no dewatering and/or direct interaction with any underlying aquifer resources are proposed. The site does not actively use water for minerals processing and there is no need to dewater. There is occasional accumulation of surface water in parts of the existing site and this is allowed to naturally drain into the underlying aquifer, this principle will continue in the proposed extension area.
- 10.80. The local policies which are relevant are MWJP Policy D09: Water Environment and RLPS Policy SP17: Managing Air Quality, Land and Water Resources. MWJP Policy D09 requires that no unacceptable impacts will arise as a result of the development on surface or groundwater quality and/or surface or groundwater supplies or flows. The policy also requires a very high level of protection for principal aquifers. RLPS Policy SP17 requires that flood risk be managed and protection of surface and groundwater from pollution and adverse impacts. NPPF paragraph 180 promotes the protection of the natural environment including water quality. NPPF paragraph 172 deals with allocated sites, of which this is one, and NPPF paragraph 173 deals with flood risk.
- 10.81. 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. This was also stated in the Environment Agency consultation response requiring the document "The environment agency approach to groundwater protection", to be taken into account by the applicant which details the required approach to waste management and drainage. 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.

- 10.82. The base of extraction within Phase 1 will be at or around 26 metres AOD, this level has been specifically chosen so that the plant site infrastructure will remain above groundwater level through all phases of the development. There will be no disturbance or removal of surface water features, but there will be a change in run off characteristics, Mitigation in the form of drainage and interception trenches is therefore provided under the existing planning controls and will be carried forward, with all flows directed into the quarry void, where the waters soakaway into the underlying aquifer. Although the sensitivity of the groundwater within the bedrock aquifer is assessed as 'High' the magnitude of change associated with the proposed development is considered to be 'Negligible' as the surface water run-off from this landform already has a component that drains to the underlying geology. The effect of surface water and groundwater flow regimes within the vicinity of the application site will be 'Negligible' therefore 'not significant' so mitigation measures are therefore not required. The Environment Agency responded to the consultation with no objection but stated that the site lies on the Limestone part of the Coralline Oolite formation which is designated as a Principle Aquifer. They also provided advice in relation to an Environmental Permit, if an abstraction licence is required and advice on dewatering. The presence of the Derwent SAC was acknowledged by consultees but no concerns were raised regarding potential adverse impact from the quarry operations. The Environment Agency has no objection to the proposed development and it is considered that there would be no impact to groundwater through the mitigation measure put in place in condition which does not conflict with the aims of the Water Framework Directive and EA policy statement.
- 10.83. The Proposed development is consistent with local and national policy as measures have been put in place by the Applicant to protect the principal aquifer by remaining at least 2 metres above the water table and any surface water would go into the base of the quarry to soakaway into the water table so flooding would not occur (recommended condition 33). It is considered that the proposed development is acceptable in principle in terms of flood risk and hydrology as is in compliance with policies MWJP Policy D09: Water Environment and RLPS Policy SP17: Managing Air Quality, Land and Water Resources.

Climate Change

- 10.84. In regard to the impact on climate change the proposal could have an impact through emissions from vehicles, plant and machinery; however, there are no other options to winning and working the stone other from where it occurs or distributing it from the site, or for importing the waste materials to the site for restoration purposes. Plant and machinery are governed by manufacturer's specifications and HGVs by Government restrictions. The proposed extension would produce primary materials, which would be used in the local construction industry, and secondary minerals that would be used as part of the restoration of the existing quarry and proposed extension. The proposed mitigation measures would protect habitats and the proposed restoration scheme would create new habitats including new tree planting and hedgerows that would contribute to offsetting carbon loss. It is therefore considered that the proposal would not have an unacceptable impact on climate change and would meet the relevant criterion of Policy SP14 Ryedale Local Plan in regard to maintaining and improving

ecological networks. In regard to downstream impacts and the supreme court case of R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others [2024] UKSC 20 it is not considered that this is relevant to this specific application as the case was specifically in relation to development including an Environmental Statement which has been considered not to be required in this instance and the mineral in this instance being Jurassic limestone would not be refined like oil or gas after extraction causing further emissions.

- 10.85. Policy D11 of the MWJP requires developers to explain how climate change has been taken into account whilst acknowledging quarrying and importation of inert waste represent contributors to climate change, it provides primary won aggregate. The site is allocated in the MWJP and as an existing quarrying operation is more sustainable than a new quarry site. In the absence of such a site, inert waste materials may have to be transported greater distances using more fuel and generating increased emissions to atmosphere. Having regard to the above, it is considered the proposed development is unlikely to have any significant and consequently unacceptable adverse impact upon climate change and is acceptable for the purposes of Policy D11 of the MWJP.

Other material considerations

- 10.86. In terms of procedural matters an objection was received which related to local residents not being consulted on the application. It is considered in this instance that the authority has met its statutory requirements in relation to publicity with the application having been out for public consultation through neighbour notifications letters, site notices and press notices. **A comment from Settrington Parish Council also requested that the updated conditions include a review of how they are going to be adhered to by the applicant. In regard to this the council will undertake a site monitoring visit and discuss with the operator if there are any issues in relation to these conditions and would take enforcement action, if expedient, where they were not being followed correctly.**
- 10.87. An objection is in relation to the quarry currently working with no planning permission. As of the date of this meeting the existing quarry site permission C3/19/01386/CPO (NY/2019/0211/73) expired in until 31 December 2022. This current application is for an extension to the existing site which covers a different area south of the existing quarry. However the proposed extension would utilise the existing quarry infrastructure. At present as previously stated there is a further application C3/19/01386/CPO which would amend the previous conditions and allow the continuation of working at the existing area of the quarry site, which is also required to be presented at the Strategic Planning Committee.

Obligations under the Equality Act 2010

- 10.88. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment, and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age

(normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

- 10.89. Given the substantial scale of the site and the works involved with the development, if approved, the development is considered to create temporary amenity and obstructions of a nature and duration that is potentially likely to affect older and younger people, people with disabilities or who are pregnant if not factors are not mitigated to protect the local amenity,
- 10.90. Therefore, in order to ensure that the Council fulfils its duty under Section 149 of the Equality Act, and is consistent with MWJP Policy D15: Planning obligations it needs to be ensured that if planning permission is granted, the decision notice includes conditions which require the impacts on those residents with the aforementioned protected characteristics to be mitigated as much as possible, taking into consideration their specific requirements and needs.

S106 Legal Agreement

- 10.91. The following Heads of Terms have been agreed with the applicant for this application.

Table 1		
Category	Contribution	Amount & Trigger
Highways	Routing Scheme	To be maintained throughout the lifetime of the development.
Highways	Developer to submit an application for a Highways Works Agreement to secure highways improvements to Back Lane.	Such an application to be submitted within six months of grant of consent. Within 3 month of decision being issued.
Highways	Developer to pay to the Local Planning Authority a highways contribution of £26,000 for highways improvement works in Scagglethorpe.	An initial payment of £13,000 (thirteen thousand pounds) to be made by the Developer upon completion of the Planning Obligation. A second payment of £13,000 (thirteen thousand pounds) to be made by the Developer upon the first anniversary of the Planning Obligation.
Ecology	Long term management	Developer to prepare and submit for approval by the Local Planning Authority a scheme for long term management and aftercare of the extension and securing the restoration/long term management for the wider site. The term of such long term scheme shall be thirty years, and the scheme as a minimum include for:-

		<ul style="list-style-type: none"> • Information on how suitable substrates will be formed for the creation of calcareous grassland (see NYC ecology comments of 27 September 2023). • Information on seed sources for grassland creation, bearing in mind the need to use local sources wherever possible. • Information on how habitats will be established, maintained and monitored. • Any protected species mitigation measures
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11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The 5.2 hectare extension is acceptable in principle having been allocated in the Minerals and Waste Joint Plan (2022) and would provide for the maintenance and delivery of the landbank of crushed rock for North Yorkshire. The principle of the application therefore accords with local and national policy, and so is considered acceptable in planning terms due to not having an increased negative effect on economic, social and environmental conditions of the area.
- 11.2. The scale and nature of this proposal means that some impacts are inevitable. Very rarely are developments entirely without harm, or entirely without benefit. The question has to be one of balancing the important arguments that weigh in favour of the proposed development and whether any of the identified harms, together or individually, warrant a determination that the proposed development is either in conflict or compliant with the 'development plan' as a whole.
- 11.3. The main issues in the 'planning balance' are in relation to the impact of the proposed development upon residential amenity, specifically in terms of noise from the quarry operation and vibration from blasting. It is though considered that the information provided in support of the application is considered to be sufficient, to reasonably address the likely significant effects without giving rise to matters of any material degree. The information submitted during the processing of this application is considered both adequate and sufficient upon which to make a recommendation in regard to there being no significant impacts in terms of residential amenity. With the applicant considered to have demonstrated that the proposed development is capable of being appropriately mitigated through conditions in relation to noise control, air quality and vibration. A further key issue has been the impact on the highway from the continued use of the site, the application has demonstrated that the local highways network has capacity, however due to the further 14 years of HGV movements have agreed to improvements to the network to improve safety and ensure the increase would not have a significant impact into the future.
- 11.4. In conclusion, it is considered there are no material planning considerations to warrant the refusal of this application. The application, along with the supporting information, has been assessed and it is considered on balance that there is a need for the mineral and there would be no unacceptable adverse environmental impacts resulting from the proposed development. Furthermore, it is considered that the

proposed development, whilst leading to a change to the landscape, would not result in any unacceptable impacts on local amenity, the character of the surrounding area and landscape, the local highway network, ecology or the water environment or lead to an unacceptable impact on air quality or climate change. The proposed landscaping, restoration and aftercare of the site would make a positive contribution to biodiversity of the area.

- 11.5. It is therefore considered that the proposed development accords with the Development Plan as a whole and all material considerations (including the NPPF and the local plans further support the conclusion is that subject to the applicant first entering into a Section 106 Agreement and subject to the conditions set out in Section 10.91 planning permission should be granted.

12.0 RECOMMENDATION

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

Conditions

Commencement Time Limit

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

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

Time Limit

2. The permission hereby granted authorises the extraction of minerals 14 years from the date of commencement of development. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site 14 years from the date of this decision and the site restored in accordance with the Restoration Masterplan (Ref. S1/PL20/05 Rev C, dated September 2022) within a further 1 year period.

Reason: To ensure the permission is undertaken as soon as practicable and in the interests of the amenity of the area.

Notification of Commencement

3. Written notification of the commencement of each of the following stages of the development shall be provided in writing to the Local Planning Authority within seven (7) days of the commencement of each phase of the development shown on the Proposed Working Plan (Ref. S1/PL20/03, dated 10/20):
 - a) Soil stripping operations and construction of soil storage/screening mounds to the boundaries of each phase of the proposed development.
 - b) The commencement of extraction of surface mineral in each phase.
 - c) Extraction of mineral by blasting.
 - d) Cessation of mineral extraction.

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

Cessation

4. In the event of mineral extraction ceasing on site for a period in excess of 12 months before the completion of the development, a revised scheme of restoration and landscaping shall be submitted to the Local Planning Authority for written approval within 14 months of the cessation. The approved scheme shall be implemented in accordance with the programme to be included in that scheme.

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

Approved Documents and Plans

5. The development hereby permitted shall be carried out in accordance with the application details dated 15 November 2022 and the approved documents listed below and the following conditions which at all times shall take precedence.

Ref	Title	Date
No Ref	Supporting Statement	October 2022
S1/PL20/01	Location Plan	October 2022
S1/PL20/02c	Site Plan	January 2024
S1/PL20/03C	Working Plan	January 2024
S1/PL20/0301A	Proposed Working Plan – Phase 1	January 2024
S1/PL20/0302A	Proposed Working Plan – Phase 2	January 2024
S1/PL20/0303A	Proposed Working Plan – Phase 3	January 2024
S1/PL20/0304A	Proposed Working Plan – Phase 4	January 2024
S1/PL20/03015A	Proposed Working Plan – Phase 5	January 2024
S1/PL20/05	Detailed restoration concept plan – with sections	October 2022
No Ref	Amended Section 3 of written statement	8 September 2024

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

Decision Notice

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

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

Removal of Permitted Development Rights

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Order 2015 Part 17 Mining and Minerals Exploration (or any other order revoking or re-enacting the order) no plant or buildings shall be erected on the site except as provided for the development hereby permitted without the prior written approval of the Local Planning Authority.

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

Hours of working

8. There shall be no minerals extraction, processing, soil stripping, infilling or works in relation to restoration carried out at the site except between the following times:
07:00 – 18:00hrs Monday to Friday

07:00 – 13:00hrs Saturdays.

And at no times on Sundays and Bank (or Public) holidays.

This condition shall not apply to emergency works within the quarry or repairs to plant and machinery.

Reason: In the interests of amenity of the area.

9. Except for the purpose of transporting agricultural lime and/or crushed rock, HGVs shall not enter and leave the site during the following hours:

6:00 – 7:00hrs Monday to Saturday

And at no times on Sundays and Bank (or Public) holidays

The number of vehicles will be restricted to 10 movements during this time.

Reason: In the interests of amenity of the area.

10. No blasting shall be carried out on any part of the site except between the hours of 10:00 and 16:00 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 Local 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.

11. No pecking shall be carried out below 8 metres from the surface of the quarry except between the hours of 8:00 and 17:00hrs Monday to Friday and between 8:00 and 13:00hrs on a Saturday.

No pecking shall be carried out above 8 metres from the surface of the quarry site except between the hours of 10:00 and 17:00 Monday to Friday and between 10:00 and 12:00hrs on a Saturday.

No pecking shall take place on Sundays, Bank or Public holidays.

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

Noise levels

12. The equivalent continuous A weighted noise level (1 hour) due to operations at the quarry during day-time hours shall not exceed the background noise level dBLA90 by more than 10dB(A) at the nearest façade or boundary of the following residential properties:
- Sparrow Hall Farm, Beverley Road, Norton Malton, YO17 9PL
 - The Grange, Settrington, Malton, YO17 8NU
 - Settrington House, Settrington, Malton, YO17 8NP
 - Orchard House, Settrington, Malton, YO17 8NP
 - Town Green House, Town Street, Settrington, MALTON, YO17 8NR

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

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

Noise Limitation Exceptions

13. Notwithstanding the noise limits imposed within Condition 12 (above), an exceptional temporary daytime noise limit is permitted for up to 8 weeks in a calendar year, to facilitate essential site preparation and restoration work such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds, construction of new permanent landforms and site road maintenance. This is a maximum limit of 70 LAeq,1hour (free-field) at the nearest façade or boundary to the following residential properties:
- Sparrow Hall Farm, Beverley Road, Norton MALTON, YO17 9PL
 - The Grange, Settrington, MALTON, YO17 8NU
 - Settrington House, Settrington, MALTON, YO17 8NP
 - Orchard House, Settrington, MALTON, YO17 8NP
 - Town Green House, Town Street, Settrington, MALTON, YO17 8NR

In the event that the 70dB(A) limit is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in compliance with the 70dB(A) limit.

The dates and timescale should be notified to the Local Planning Authority and the Parish Council, at least two weeks prior to any anticipated works as described herein.

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

Noise Management Plan

14. Within 1 month of the date of this decision, details of a noise management plan, to include a scheme for the monitoring of noise emitted from the site, and to demonstrate best practice for the reduction of noise, 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 locations or publicly accessible proxy locations:
 - a. Sparrow Hall Farm, Beverley Road, Norton Malton, YO17 9PL
 - b. The Grange, Settrington, Malton, YO17 8NU
 - c. Settrington House, Settrington, Malton, YO17 8NP
 - d. Orchard House, Settrington, Malton, YO17 8NP
 - e. Town Green House, Town Street, Settrington, Malton, YO17 8NR
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; (minimum every three months)
6. The recording of the monitoring results, including provision for the results to be made available to the Local Planning Authority on request and submitted every three months.
7. A programme of implementation.
8. A program of how complaints will be responded to and monitored.
9. A programme of inspection and maintenance of all plant and equipment, including daily inspections to ensure noise attenuation measures are being used.

The approved scheme for the monitoring of noise emitted from the site shall thereafter be implemented in full for the duration of the development. The operator shall when requested complete a review of the noise monitoring scheme which is required to be submitted to the local planning authority and approved in writing.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to ensure that noise impacts associated with the proposed development would be minimised in the interests of local amenity.

Plant

15. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment and include either non-audible, ambient-related or low-tone reverse warning alarm systems which shall be regularly maintained and employed at all times during permitted operational hours.

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

Blasting - Ground Vibration Levels

16. 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 8 mm per second in 95% of all blasts measured over any continuous 12 month period. The measurement is to be taken at or near the foundations of:
 - The Grange, Settrington, Malton, YO17 8NU
 - Settrington House, Settrington, Malton, YO17 8NP
 - Orchard House, Settrington, Malton, YO17 8NP
 - Town Green House, Town Street, Settrington, Malton, YO17 8NR

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

Blast Notification

17. One week prior to blasting the operator shall notify occupier of The Grange, Settrington, Malton, YO17 8NU, Sparrow Hall Farm and the Parish Council of the date of a proposed blast takes place. At least 24 hours before the blast the operator shall also notify of the time that drilling and blasting shall take place on the specific day.

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

Blasting Monitoring Scheme

18. Prior to the commencement of blasting, a scheme and programme for the monitoring of ground vibration and air over pressure levels shall be submitted to the Local Planning Authority for approval in writing.

Thereafter monitoring shall be undertaken in accordance with the approved scheme and if the results of monitoring show that the limit as stated in condition 16 to this permission is exceeded, blasting practice at the site shall be modified to ensure compliance with the limit specified in condition 16 to this permission. The results of monitoring shall be retained at Settrington Quarry for a period of 12 months and submitted to the Local Planning Authority on request every 6 months.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to monitor the operations and protect the amenities of the area.

Dust Management and Monitoring Plan

19. Within one month of the date of this decision a dust management and monitoring plan to prevent or minimise the migration of dust from the site and to monitor the impact of any migrating dust shall be submitted to the Local Planning Authority for approval in writing. The dust management and monitoring plan shall include details of the monitoring equipment to be used, the location of monitoring equipment, including locations within and outside the site and details of how dust is to be monitored, the equipment to be used and dust suppression measures to be employed, to prevent or minimise the emission and migration of dust within and outside the site.

Thereafter the measures set out in the approved dust management and monitoring plan shall be employed in full and the results of monitoring shall be retained for the life of the development and shall be made available to the Local Planning Authority on request. In the event monitoring demonstrates dust is migrating from the site and being deposited off site, operations shall cease until such time as measures to prevent such have been submitted to the Local Planning Authority for approval in writing; thereafter the approved measures shall be employed in full and monitored in accordance with the approved dust management and monitoring plan.

Reason: This is a pre-commencement condition and is required given the particular circumstance and imposed to ensure that the proposal does not have a negative effect on the amenities of the area.

Lighting

20. All lighting onsite (whether fixed or mobile) shall be positioned, adjusted and operated such that no light spillage occurs beyond the site boundaries.

Reason: To control the impact of light and light pollution generated by the development in the interests of local amenity.

HGV Movements

21. The maximum number of Heavy Goods Vehicles (as defined by this permission) movements accessing and leaving Settrington Quarry shall not exceed 112 per day (56 into the site and 56 out of the site) Monday to Friday and no more than 36 on a Saturday (18 into the site and 18 out of the site).

Reason: In the interests of amenity of the area.

HGV Records

22. A written record of all heavy goods vehicle movements (as defined by this permission) into and out of Settrington Quarry for the purposes of condition 21 shall be maintained and retained at the quarry for a period of six months. The record shall contain the vehicles weight, registration number and the time and date of movement. The record shall be retained at Settrington Quarry and made available to the Local Planning Authority on request.

Reason: To enable the verification of vehicle movements limited under condition no. 21.

Construction Management Plan

23. Within one month of the date of this decision a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan must include, but not be limited, to arrangements for the following in respect to the following works:
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - the parking for site operatives and visitor's vehicles on site;
 - measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
 - details of site working hours;
 - means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
 - measures to control and monitor noise;
 - an undertaking that there must be no burning of materials on site at any time during construction;
 - removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - details of the measures to be taken for the protection of trees if required.
 - details of external lighting equipment if any.
 - a detailed method statement and programme for the building works; and

- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

The permitted development must be undertaken in accordance with the approved Construction Management Plan. The operator shall when requested in writing by the local planning authority complete a review of the construction management plan which is required to be submitted to the local planning authority and approved in writing.

Reason: In the interest of public safety and amenity.

Mud on the Road

24. Precautions shall be taken and maintained to ensure that all vehicles leaving the site are in a clean condition so that no dirt and/or mud are deposited on the public highway by vehicles travelling from the site.

Reason: In the interests of road safety.

HGV Sheeting

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

Reason: In the interests of the amenity of the area and road safety.

Restoration Soils

26. No material other than subsoil and topsoil for restoration purposes in accordance with the Restoration Masterplan (Ref. S1/PL20/05 Rev C, dated September 2022) shall be imported to the site.

Reason: To safeguard the topsoil and subsoil resources available on site for restoration purposes.

Importation of aggregates

27. No rock or aggregates shall be imported into the site for stockpiling, processing or other purpose at any time.

Reason: In the interests of the amenity of the area.

Soil Movements

28. No soils shall be stripped, moved, placed and removed during the months of November to April, unless in a dry and friable condition. Soils shall only be stripped, moved, placed and removed during dry conditions and soils shall not be moved whilst wet or plastic.

Reason: To safeguard the topsoil and subsoil resources available on site for restoration purposes.

Soil Stripping

29. No topsoil or subsoil shall be removed from site. All topsoil and subsoil shall be retained for restoration of the site.

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

30. All topsoil and subsoil shall be stored in separate mounds that do not overlap or immediately be utilised in the restoration of the site. The mounds shall be graded and seeded within one month of their construction and thereafter retained in a grassed, weed free condition throughout the duration of the development pending their use in the restoration of the site.

Reason: To safeguard the topsoil and subsoil resources available on site for restoration purposes.

Ecological Walkover

31. Prior to the commencement of each phase of quarrying, an ecological walkover survey should be undertaken to check for any evidence of protected species. A brief report should be provided to the authority and any recommendations should be adhered to.

Reason: to ensure compliance with wildlife protection legislation.

Site Clearance

32. Any clearance of dense vegetation such as trees, shrubs, hedgerows or brambles should be undertaken outside the bird breeding season (March to August inclusive); if this is not possible, a suitably experienced person must first confirm that no nesting birds are present and any nests which are discovered must be left undisturbed until the young have fledged.

Reason: to ensure compliance with wildlife protection legislation.

Protection of the Natural Environment

33. No mineral extraction or other excavation shall take place below a level 2 metres above the maximum water table. For the avoidance of doubt excavation shall not take place below 25 metres Above Ordnance Datum (AOD).

Reason: To protect underlying groundwater resources from pollution and to preclude over deepening of quarry faces.

Fuel Storage

34. All fuel and oil storage tanks shall be bunded using impervious bunds and floors. The bunded volume shall be at least 110% of the stored value and shall enclose all inlet, outlet, vent pipes and gauges. There shall be no uncontrolled discharge from the bunded area and any contaminated water or materials shall be disposed of in a manner satisfactory to the Local Planning Authority.

Reason: To prevent pollution of the water environment and in the interests of the general amenity of the area.

Drainage

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

Reason: To prevent pollution of the water environment and in the interests of the general amenity of the area.

Fencing

36. The site shall be securely fenced.

Reason: In the interests of the safety of the public.

Written Scheme of Investigation

37. No development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording
- Community involvement and/or outreach proposals
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the
- site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: This condition is imposed as the site is of archaeological significance.

38. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 37.

Reason: This condition is imposed as the site is of archaeological significance.

39. Within 12 months of the completion of minerals extraction the site investigation and post investigation assessment are required has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 37 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed as the site is of archaeological significance.

Landscape Environmental Management Plan (LEMP)

40. Within 6 months of the date of this permission a landscape and ecological management plan (LEMP) shall be submitted to the Local Planning Authority for approval in writing. The LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The development shall thereafter be carried out in accordance with the approved LEMP. A review of the LEMP can be requested by the local planning authority in writing at the end of each phase of extraction.

Reason: This is to safeguard the character of the site in the interests of visual amenity of the area.

Restoration Scheme

41. Within 6 months from the date of commencement of mineral extraction as notified to the Local Planning Authority for the purposes of condition 2 to this permission, a scheme and programme of restoration shall be submitted to the Local Planning Authority for approval in writing. The restoration scheme and programme shall include:
- a) Details of the materials to be used as part of the final restoration surface.
 - b) Details for the planting of trees and shrubs including numbers, types and sizes of species to be planted, location and layout of planting areas, protection measures and methods of planting.
 - c) Details for the seeding of any landscaping areas including mixes to be used and rates of application.
 - d) Details for the management of any landscaping areas including maintenance of tree and shrub planting and grazing or mowing of seeded areas.
 - e) Details of trees and shrubs that are to be retained post restoration of the site.

The approved scheme and programme shall be implemented in the first available planting season. A review of the restoration scheme can be requested by the local planning authority in writing at the end of each phase of extraction.

Reason: To secure a good standard of progressive restoration in the interests of amenity and protecting the character of the area.

Aftercare Scheme

42. Within 6 months of the date of this permission a detailed scheme and programme for the aftercare of the site for a period of 5 years to promote the afteruse of the site shall be submitted to the Local Planning Authority for approval in writing. The scheme and programme shall contain details of the following:
- a) Maintenance and management of the restored site to promote its intended use and the establishment of the restored site.
 - b) Weed control where necessary.
 - c) Measures to relieve compaction or improve drainage, which would include temporary and long term water control measures.
 - d) Maintenance and replacement of trees, shrubs and vegetation, weed control and re-staking and re-planting any failures.
 - e) An annual inspection in accordance with condition 43 to be undertaken in conjunction with representatives of the Local Planning Authority to assess the aftercare works that are required the following year.

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

requested by the local planning authority in writing at the end of each phase of extraction.

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

Annual Review

43. Every 12 months from the date of this permission or another month otherwise agreed with the operator, a review of the previous year's landscaping, working, restoration and aftercare shall be supplied to the Local Planning Authority. The review shall take account of any departure from the approved scheme and revised schemes shall be submitted to the Local Planning Authority for approval providing for the taking of such steps as may be necessary to continue the satisfactory landscaping, working, restoration and aftercare of the site.

Reason: To ensure an orderly and progressive working of the site.

Annual Meeting

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

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

Definitions

1. Heavy goods vehicle: a vehicle of more than 7.5 tonnes gross weight.

Target Determination Date: 21 January 2025

Case Officer: Sam Till

Appendix A (First Phase, Second Phase, Third Phase, Forth Phase and Fifth Phase)

Appendix B – Restoration Plan

Appendix C – Vibrock Report Table 3 and Blast monitoring Locations

