

North Yorkshire Council
Community Development Services
Strategic Planning Committee

10TH DECEMBER 2024

**NY/2022/0278/73 APPLICATION TO VARY CONDITION NO. 1 OF PLANNING
PERMISSION REF. C3/19/01386/CPO TO ALLOW AN EXTENSION OF TIME TO
RECOVER REMAINING MINERAL RESOURCES SETTRINGTON QUARRY, BACK
LANE, SETTRINGTON, MALTON, NORTH YORKSHIRE, YO17 8NX ON BEHALF OF
FENSTONE LIMITED**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

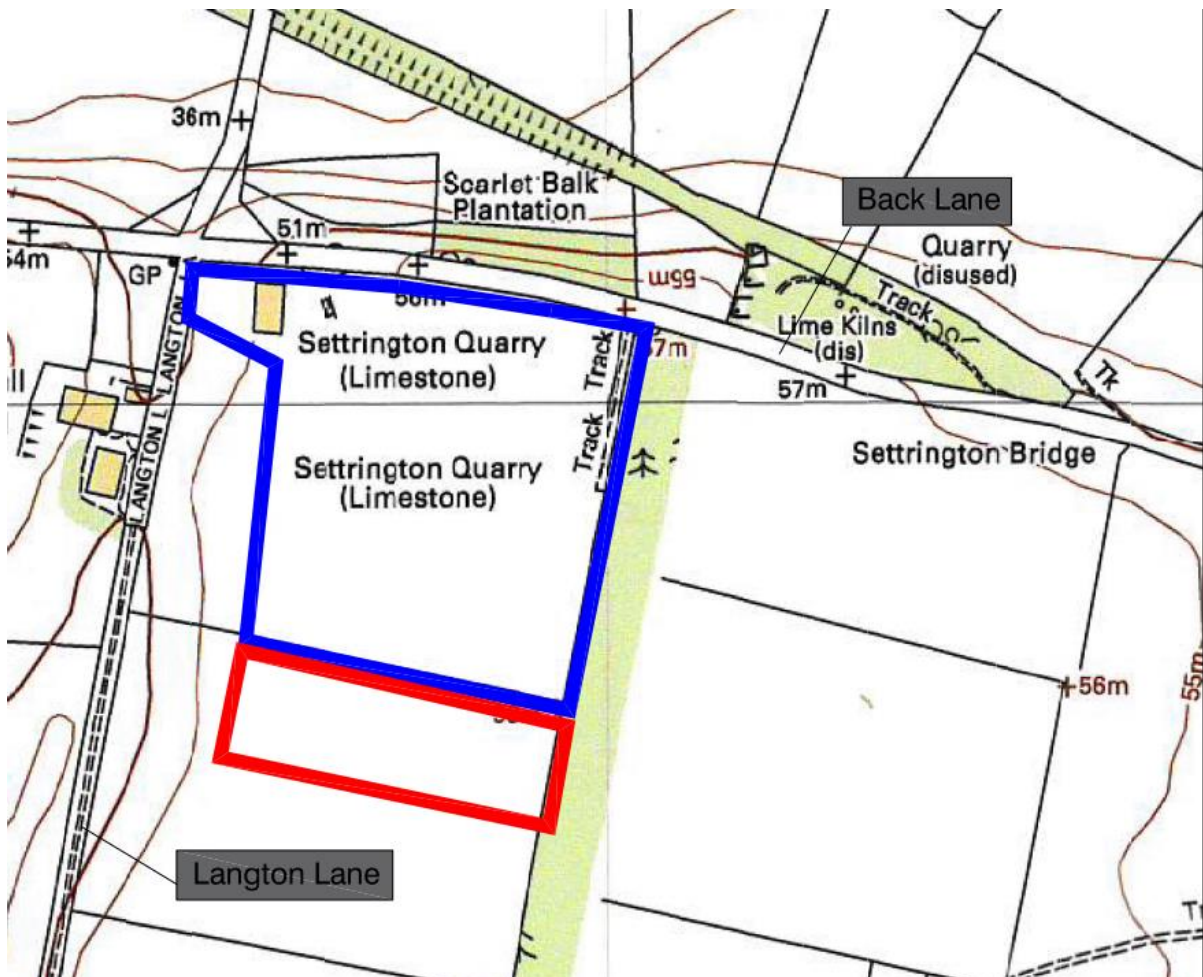
- 1.1 To determine a planning application for Application to vary condition No. 1 of Planning Permission Ref. C3/19/01386/CPO to allow an extension of time to recover remaining mineral resources on land at Settrington Quarry, Back Lane, Settrington, Malton, North Yorkshire, YO17 8NX.
- 1.2 This application relates to 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.

- 2.1. Settrington Quarry is an active Jurassic Limestone quarry located 3 km south-east of Malton and to the south west of the village of Settrington. The original quarry is approximately 8.5 hectares in size with a 1.9 hectare extension to the south of the main area, which is what this application is in relation to. 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. The site does not fall within, or in close proximity to most types of 'sensitive areas' (SSSI, SPA/SAC, SINC, Ramsar, AONB), or Article 1(5) land (Conservation Area).
- 2.2. The applicant at the time of submission stated that there were 80,000 tonnes of limestone remaining to be extracted at the site which is all within the application site area. During the application process 60,000 tonnes has been extracted and only 20,000 tonnes are remaining in this extension area, which is the base of the quarry. The extraction is completed through pecking and blasting and is to be restored to nature conservation land uses which would be amended through this application.
- 2.3. The most pertinent issues are in relation to this application are the impact of the site on residential amenity of the village of Settrington and Scagglethorpe, including the impact on the highways network.

- 2.4. 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 if 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.
- 2.5. 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 also considered that the proposed development would continue the existing site's quarrying practices and would give the planning authority opportunity to update conditions.
- 2.6. It is considered this scheme is in compliance with the development plan for the area and although small scale would contribute to the landbank, while providing a restoration scheme which would enhance the local environment and biodiversity.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:-
<https://onlineplanningregister.northyorks.gov.uk/Register/Planning/Display/NY/2022/0278/73>
- 3.2. There are six 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. The applicant states that there are approximately 80,000 tonnes of limestone remaining to be extracted at the site that is all within the application site area, which is an extension of the original quarry. The reason the extraction has not been completed is due to the recent economic downturn, market conditions and finalising the lease of part of the extension area with the landowner. Annual output has been in the order of 60,000 tonnes, although the application site has a permitted maximum output of 100,000 tonnes per annum which is equivalent to 36 daily HGV movements (i.e. 18 in and 18 out).
- 5.2. The limestone is extracted in a series of benches through a combination of drilling, blasting and use of hydraulic excavator. Once extracted, the limestone is transported by a front-end loader to the mobile crushing plant (refer to Plan S1/PL15/02) for crushing and screening to produce a range of graded aggregates. The graded aggregate is stored in stockpiles before being loaded onto HGV's to be transported via the highway network. For the production of agricultural lime, the rock is passed through a crusher to produce agricultural lime powder, which is then laid out the quarry floor and in the on-site sheds to dry. The returning HGVs are expected to bring in inert waste that is to be used to progress the restoration of the quarry.
- 5.3. The approved restoration scheme for the application site and wider quarry, (under condition 27 of Planning Permission C3/99/00868 in August 2011) included a range of nature conservation land uses to ensure balanced restoration. This includes species rich grassland, open water and wetland habitats, woodland thicket and scrub and conservation grassland. Restoration is undertaken on a progressive basis as the extraction progresses across the site, through the importation of inert soil, circa 20,000 metres cubed per annum, and reinstatement of overburden and soil resources sourced on site.
- 5.4. The variation of condition application was initially submitted for the variation of condition one to:

“the description of development was to allow extraction until The permission hereby granted authorises the extraction of mineral until 31 December 2023. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site restored in accordance with the schemes approved on 11 August 2011.”

This date has now passed and the applicant has amended the supporting statement to request an amendment to the condition to:

“The permission hereby granted authorises the extraction of mineral until 31 December 2024 or a later date subject to the approval of the physical extension to the quarry ref. NY/2022/0224/FUL. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site restored in accordance with the details approved on 11 August 2011.”

- 5.5. The justification for this being the remaining 20,000 tonnes of mineral, which is the current quarry floor, is required to be left in situ until a later phase of physical extension application if approved. The description of development has also now been updated to take into account the change to the requested variation of condition one.

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. **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.
- 7.3. 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 ie 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.

- 7.4. **Ward Member: County Cllr. Caroline Goodrick** – No formal comments have been received from the councillor.
- 7.5. **Conservation Officer – Ryedale Area** - The consultee requested a heritage statement in a joint response for both the physical extension and variation of condition application. The heritage statement has been placed on the online register for information in relation to this application. After this heritage statement was received no further consultation response has been received from the conservation officer.
- 7.6. **Ecology** – States no ecological concerns relating to this extension of time and the provisions set out within the ecological survey and assessment undertaken at the time of the application are still relevant and the recommendations must be adhered to throughout the remainder of the extraction and restoration processes.
- 7.7. **Environment Agency York** – state no objection but give advice on groundwater protection, the environmental permit for the site, an abstraction licence and dewatering.
- 7.8. **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. 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.
- 7.9. **Highway Authority** – The consultee gave no specific response to this application however has stated the below in relation to the physical extension:

- 7.10. 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.
- 7.11. 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.
- 7.12. 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).
- 7.13. **Landscape:** The consultation response related to both the physical extension application and the extension of time stating 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.

- 7.14. 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).
- 7.15. **Natural England** – No response received to date.
- 7.16. **Planning (Ryedale Area Office)** – No response received to date.
- 7.17. **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.
- 7.18. **Health and Safety Executive** – No response has been received.

Local Representations

- 7.19. 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. The Screening Checklist which acts as the report and decision is available to view on the Council's website at Planning Register. Nothing has changed since the Screening Decision and it is still effective for the Committee Decision. 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
 - Restoration and aftercare

10.0 ASSESSMENTPrinciple of Development

- 10.1. The application originally sought to extend the time permitted for extraction of limestone from Settrington Quarry to recover the remaining mineral resources until 31 December 2023. The current permission C3/19/01386/CPO expired on the 31 December 2022 as there were still reserves of 80,000 tonnes of limestone at the time the application was submitted in November 2022. The applicant states extraction of the full site was not completed within the previously approved timescales due to an economic downturn and market conditions. Within the application details the extraction rate was stated to be at approximately 60,000 tonnes per annum, requiring

the one extra year of extraction. During the consideration of the application extraction continued at the quarry and at the time of determination there is now only 20,000 tonnes of mineral still to be extracted at the site, which is the base of the quarry floor. Due to this at present extraction at the site has ceased operation until the determination of this application and the further application for the physical extension to the site (ref. NY/2022/0224/FUL). This physical extension application would extend the life of the site by 13-14 years, from what is an allocated site in the Minerals and Waste Joint Plan. Through the process of determining the two applications it came to the authority's attention that the applicant was not able to extract this last 20,000 tonnes of material immediately as this would form part of the platform for the new extraction area if approved. Due to this the authority was required to request the applicant to remove the date December 2023 from the application for the expiry of the proposed permission and submit further information stating when this final extraction would be able to take place.

- 10.2. This further information was sent out for a full re consultation with an updated description of development. The further information showed that the base of the quarry would not be able to be worked until phase 3 of the physical extension area, new phasing plans submitted with the application showed this and it is considered that to give the council further control of the site a condition would be placed on any permission requiring this extraction to be completed within 12 months of the end of phase 3 as shown on the approved plan.
- 10.3. This report and the proposed development are dependent on the acceptability of the physical extension application ref. NY/2022/0224/FUL. If this linked permission, were not to be approved, this variation of condition would be impacted. Instead of a condition linking the extraction to phase 3 of the new development the quarry would be required to extract the last mineral in the current extension area within 12 months of the date of the decision and the site to be fully restored after a further 12 months. This report will assess the impact of the quarry in regard to application NY/2022/0224/FUL being recommended for approval and the physical extension being deemed an acceptable development with the final extraction within the red line boundary area for this application therefore not taking place until phase 3 of the physical extension of the site.
- 10.4. The principle of the continued extraction at the site is supported by the Minerals and Waste Joint Plan, the site is adjacent to an allocated site and as such will contribute to the supply of crushed rock required over the Plan period to 2030. The proposed extension of time 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 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 if 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 with continued operations of mineral extraction at the site

and promoting 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.

- 10.5. 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. 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 it is considered that this proposed development to extract the final reserves at the existing Settrington quarry site is consistent with MWJP Policies D01, M01, M05 and M08 which support the principle of this proposed development.
- 10.6. The proposed allocated site considered through planning application NY/2022/0224/FUL was originally considered only to be worked once extraction on the current application area is completed. However the risk of flooding at the site necessitates keeping the platform at the current level. Therefore, there would be a minor cumulative effect arising from the two areas being worked at the concurrently, however at present there is only 20,000 tonnes of mineral remaining in the area which is being considered in relation to this application. It is not deemed the working of this mineral when phase three is complete at the base of the quarry would have a significant cumulative impact and it is considered in compliance with D01(1) in regard to there being no unacceptable impacts on local amenity, which will be discussed in more detail later in this report. The allocation of land adjacent to the current application area demonstrates that the limestone present at the site is considered important in helping to deliver the required amount of limestone detailed in Policy M05 and it will help maintain the 10-year landbank as it deals with the determination of mineral planning applications and includes criteria that are required to be considered when determining a mineral planning application. The extraction of this final 20,000 tonnes although not a significant amount would contribute to this landbank and also facilitate the requirements of a restoration scheme for the site. The extraction of minerals is supported by paragraphs 215, 217 and 219 of the NPPF 2023 which deal with the supply and benefits of minerals.
- 10.7. 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 and the physical extension application give the authority the opportunity to

review current working practices at the site and update conditions in relation to the site. This gives the authority the opportunity to address concerns in relation to the site any local residents may have in relation to its operation also. This will be further considered throughout the report. It is also noted that the councils view is that both permissions as being worked in tandem must have the same requirements in terms of conditions.

- 10.8. Therefore, extending the time for extraction of crushed rock from Settrington Quarry extension area is acceptable in principle as contributes to the landbank for Jurassic limestone and stops the sterilisation of mineral at the site. 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, M05, M08 and M09 which support the principle of this proposed development. It is also in compliance with Ryedale policy SP6 and SP19 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)

- 10.9. The site has operated as a quarry under the terms of the previous permissions. This planning application proposes 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

- 10.10. Noise generated on site will be from the vehicles and equipment or from any blasting which takes place. The previous permission includes conditions to ensure adequate protection of amenity. The conditions include noise attenuation equipment being employed on vehicles and plant operating in the quarry site (condition 11), noise levels not exceeding background noise levels more than 10db at any noise sensitive buildings (condition 12), noise monitoring being undertaken if requested by the County Planning Authority (condition 13), temporary noise limit during specific operations such as soil stripping and defining the hours of operation (condition 14). There is a specific condition relating specifically to blasting which restricts the hours of blasting to between the hours of 09:00 and 16:00 Monday to Friday, although not specifically to limit noise this lessens the impact of any blasting on the site also.
- 10.11. A Noise Assessment has been provided as part of the submitted documents, this was a requirement of the physical extension application however it is also helpful to understand the impact of noise during the extraction of the existing quarry. 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 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.

- 10.12. 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”.
- 10.13. 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.
- 10.14. 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 7.19. 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.

- 10.15. 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 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.
- 10.16. 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 draft condition 9 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 has also 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.

- 10.17. 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. (conditions 10 and 11 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.
- 10.18. To further mitigate the impact of the development draft condition 12 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 draft conditions 10 and 11 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.
- 10.19. 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

- 10.20. Paragraph 10.12 above within the report gives an overview of MWJP policy D02 which is 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.'*
- 10.21. 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 mineral 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.
- 10.22. 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'*.
- 10.23. 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 Draft condition 17 which would suppress, control and monitor dust. Taking into consideration the information provided, it is considered 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.

Vibration

- 10.24. The existing permission includes blasting and it is not proposed for any changes to the blasting arrangements in regard to the variation of permission application. However it is considered appropriate to update the conditions in relation to blasting for this application to a higher standard and in line with the physical extension application.

- 10.25. 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.
- 10.26. 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”*.
- 10.27. 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 (draft condition 14) 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 (draft condition 15) is for to limit vibrations levels to not exceed 8 mms-1 at a 95% confidence level matching the Vibrock recommendation. The third condition (draft condition 16) 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.
- 10.28. 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 near 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 Draft

Condition 16, 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.

- 10.29. It is considered that the proposed development of blasting at the site cannot avoid vibration due to the nature of the process, therefore as stated within Policy D02 1) *'Proposals will be expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable'* the use of robust mitigation measures is required.
- 10.30. 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 (14, 15 and 16) 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.
- 10.31. 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.
- 10.32. 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 draft conditions 14-16, 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 15) and a local liaison meeting (condition 37).

- 10.33. 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

- 10.34. 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. There are no conditioned limits on HGV activity at the site 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.
- 10.35. 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. 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. 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.

- 10.36. 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.'*
- 10.37. Settrington Quarry has been operational for many years, and 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 will be detailed in Condition 19 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 7 in Section 12 of the report. As this permission for an extension of time is now only for the extraction of 20,000 further tonnes of mineral it is not considered it would be reasonable to attach any further requirements in regard to road improvements. If the physical extension is though approved then further passing places and road improvement works would be implemented to mitigate the continuation of the site for a further 14 years. If the physical extension was refused the site would continue with the same number of HGV movements and be required to complete the final 20,000 tonnes of extraction within one year of the date of the decision.

- 10.38. Therefore, with the proposed mitigation in terms of conditions it is considered that the proposed development, 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. The proposal accords with local and national policy and so is acceptable in relation transport as there is capacity on the highway network for the number of HGVs and the impact on amenity and other road users would be minimal.

Landscape

- 10.39. The site is an existing quarry and in terms of its visual impact is well screened, the only place where the site can be seen is from the highway on Back Lane at the site entrance where passing vehicles can see into part of the yard. Therefore visual impact would continue to be minimal and would not be amended through the variation of condition application. Due to the remaining working at the site being at the base of the quarry this proposed development does not involve any extraction works at ground level with no further soil stripping or requirements for activities at this level. The physical extension application has significantly more information in regard to the impact of this new area of extraction and there is an interlink to this permission for the extension of time with conditions being able to updated to make sure that the landscape is protected. An 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.
- 10.40. 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. 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)). 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.”*
- 10.41. Paragraph 180 of the NPPF highlights that planning applications should conserve and enhance biodiversity and landscape. 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. The restoration scheme is designed to improve the landscape and habitats on the site in the long term. Paragraph 217 of the NPPF states that planning authorities should provide for restoration and aftercare.
- 10.42. 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.

Restoration and Aftercare

- 10.43. The approved restoration scheme seeks to provide agricultural land and landscape and nature conservation benefits in the long term through the provision of a number of habitats, including conservation, limestone grassland, which is a nationally rare resource promoted within the Ryedale Biodiversity Action Plan. Restoration at the site is undertaken on a progressive basis as extraction advances across the site, through the importation of soil and reinstatement of overburden and soil resources sourced on the site. The wider quarry also benefits from a Standard Environmental Permit that allows the importation and deposit of inert soils for restoration purposes as a recovery activity and the existing Condition 5 of C3/15/00583/CPO provides for this soil to be used in connection with the application site. The larger area of the Settrington Quarry site is covered under an Interim Development Order and the restoration of this area has until 2042 to be restored, it is understood the applicant wishes to extract the remaining area under this permission. The review of the minerals permission application (ROMP), which has been submitted to the council with the ref. NY/2024/0161/MRP will allow the authority to assess the extant conditions and make sure the permission for the site match up as best possible permission presented to the strategic planning committee and are deemed acceptable. The ROMP is though not a material consideration in the determination of this planning application.
- 10.44. The physical extension application has given the opportunity for the operator to review the restoration of the site and submit an amended restoration scheme. The restoration scheme for this current approved site would be varied and conditioned to match the physical extension scheme if this were to be approved. If the physical extension application was not approved the restoration scheme for the existing site would be retained and be required to be completed within 12 months of the completion of extraction. The updated restoration scheme builds on the existing scheme progressively restoring the residual void to a combination of semi-improved grassland, species-rich limestone grassland, conservation grassland, species rich native hedgerow and trees and shrubs and wetland vegetation. The soil mounds would be removed and used in the restoration; peripheral hedge planting would be retained where possible.
- 10.45. There is an objection in relation to this application which references that the progressive restoration has not taken place as the quarry has been extracted and requests a bond to secure the restoration to be completed. 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. There is also an objection in relation to the type of material that would be imported to the site. It is considered the restoration is to be progressive so the authority will monitor its progress through the extraction phase and liaise with the operator on progress. 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 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. Although the proposed development would not be secured for 30 years, as this application was submitted prior to the statutory period in relation to biodiversity net gain it is considered that the 5 year statutory aftercare period would give sufficient protection along with the restoration scheme to be approved through this application, this is further supported by their being no objection form the ecologist in the relation to the application. Condition 34 and 35 also request detailed restoration and aftercare schemes. In addition to this and the parish councils concerns condition 36 requires an annual review of the operation and restoration of the site and condition 37 requires an annual meeting on the same issues to discuss progress, the information required from these conditions it is considered would satisfy these concerns.

- 10.46. Policy D06 Minerals and Waste Joint Plan 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 D07 also states it should contribute to the biodiversity of the area. 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 *'proposals will be permitted which deliver a more targeted approach to minerals site restoration and afteruse by contributing to objectives, appropriate to the nature, scale and location of the site, including where relevant: ix) Creating geodiversity benefits where appropriate including contributing towards the delivery of priorities identified in any Geodiversity Action Plan'*. The approved restoration scheme for the Settrington Quarry includes a range of nature conservation land uses including species rich grassland; open water and wetland habitats; woodland thicket and scrub and conservation grassland. The proposal is also supported by Policy SP13 of the Ryedale Plan 2013 which highlights that development proposals should contribute to the protection or enhancement of distinctive elements of landscape character, which have heritage, cultural natural or aesthetic qualities.
- 10.47. The Applicant provided the information requested from the Landscape officer which included more detailed phasing plans, one plan for each of the five phases. The consultee responded stating that these updated phasing plans explained 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 resolved the Landscape Architects concerns. They stated that there are landscape details that will be needed pre-commencement and in advance of each phase, and for control of lighting to reduce night-time adverse effects, these could be secured by suitably worded conditions, after further discussions with the landscape officer these conditions

have now been amended to not require to be submitted prior to commencement of each phase but given the opportunity to be reviewed if requested by the planning authority. The requirement for restoration details is secured by condition 34 (restoration scheme) and 35 (Aftercare Scheme) and control of lighting is secured by Condition 18. They also stated that because of the overlap with the wider quarry and the need to demonstrate progressive restoration in line with policy, consideration should also be given to staged approval, for review of previous work progress before moving to the next working phase.

- 10.48. 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 or the potential impact on bats. There is also an objection in relation to the impact on the quality of land which states it is agricultural land classification grade 3b, it is considered that this proposed development for an extension of time has already considered the impact on soil and deemed the extraction site acceptable, furthermore there are now no further soils to be stripped in the application area with only 20,000 tonnes of mineral remaining in the base of the quarry.
- 10.49. The proposed restoration and aftercare would accord with policy D06 as it would not cause harm to the landscape, 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 34, 35, 36 and 37. 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

- 10.50. There is 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.

- 10.51. 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.
- 10.52. 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.
- 10.53. 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.

- 10.54. 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.
- 10.55. In this case the quarry is not being extended and would not move closer than the previously approved scheme 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.
- 10.56. 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.
- 10.57. 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

- 10.58. 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.
- 10.59. 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.
- 10.60. The base of extraction is 25 metres AOD, this level was specifically chosen so that the plant site infrastructure will remain above groundwater level through all phases of the development. 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.

- 10.61. 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 (draft condition 29). 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

- 10.62. 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 of time 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. 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.
- 10.63. 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. As an existing quarrying operation it is considered this 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

- 10.64. 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 statutory requirements in relation to publicity of 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.

- 10.65. An objection is in relation to the quarry currently working with no planning permission was received in relation to this application. As of the date of this meeting the existing quarry site permission C3/19/01386/CPO (NY/2019/0211/73) expired on 31 December 2022. The application for determination is to amend the conditions of this permission to extend the life of the quarry. As the permission was validated before the date this permission expired the authority is still able to vary this permission. In this instance it is considered that as the applicant has been working in accordance with the previously approved conditions. There it has not been in the public interest to take enforcement action to stop any working at the site, which is subject to be amended.

Conditions

- 10.66. Consideration has been given to the conditions previously approved under planning permission C3/15/00583/CPO, in relation to their continued suitability. Changes are suggested to the proposed conditions and these are listed below, the full list of conditions and reasons are listed in Section 12.0.
- Previous Condition 1 – updated to reflect that this will be a fresh grant of planning permission and that extraction can continue in line with the physical extension area.
 - Previous Condition 2 – Now condition 3 in the draft schedule updated to reflect that this will be a fresh grant of planning permission with new documents.
 - Previous Condition 3 – Now condition 29 but not amended.
 - Previous Condition 4 – Now condition 26 in the draft schedule and amended.
 - Previous Condition 5 – Now condition 24 but not amended.
 - Previous Condition 6 – Now condition 5 in the draft schedule updated to state specific section of the act.
 - Previous Condition 7 – Now condition 25 but not amended.
 - Previous Condition 8 – Now Condition 27 but not amended.
 - Previous Condition 9 – Now removed as deeded covered by other conditions.
 - Previous Condition 10 – Now condition 6 and also condition 10 in the draft schedule which covers hours of operation.
 - Previous Condition 11 – Now condition 13 but not amended.
 - Previous Condition 12 – Now condition 10 in the draft schedule cover Noise levels from the operation.
 - Previous Condition 13 – Now condition 12 in the draft schedule cover Noise Monitoring from the operation.
 - Previous Condition 14 – Now condition 11 in the draft schedule which has been amended in regard to temporary noise levels.

- Previous Condition 15 – Now condition 6 and 7 in the draft schedule which have been amended in regard to hours of operation.
- Previous Condition 16 – Now condition 8 in the draft schedule which has been amended in regarding to blasting hours of operation.
- Previous Condition 17 – Now condition 14 in the draft schedule which has been updated to include the specific properties.
- Previous Condition 18 – Now condition 17 in the draft schedule in regard to dust monitoring.
- Previous Condition 19 – Now condition 21 but not amended.
- Previous Condition 20 – Now condition 22 in the draft schedule and updated to be more precise.
- Previous Condition 21 – Now condition 30 but not updated.
- Previous Condition 22 – Now condition 31 but not updated.
- Previous Condition 23 – Now condition 32 but not updated.
- Previous Condition 24 – Now condition 33 but not updated.
- Previous Condition 25 – Now condition 34 in the draft schedule and has been updated with a requirement for the submission of a restoration.
- Previous Condition 26 – Now condition 2 but not updated.
- Previous Condition 27 – This condition has been removed and it is considered that condition 1 in the draft schedule and the restoration scheme cover the requirements of the previous condition.
- Previous Condition 28 – Now condition 35 in the draft schedule and has been updated to include the requirement of a new scheme.
- Previous Condition 29 – Now condition 37 but not updated.

10.64 All other conditions are new additions to the permissions which are considered to be required to mitigate the impact of the quarry and match the scheme for the physical extension of the site.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal to extend the period of time for operations at Settrington Quarry would assist in the realisation of the development vision of the Local Aggregate Assessment and the MWJP through policies M05, M06, M09 and M10 through ensuring provision levels and supply of mineral are maintained within the county. Allowing the continuation of quarrying operations and preventing the sterilisation of over 80,000 (now 20,000) tonnes of limestone within North Yorkshire. The continuation of operations would also accord with both strategic and development management policies for the Mineral and Waste Joint Plan including Policy M01 and Policy M09 to ensure that a sustainable approach is given to mineral supply and demand.
- 11.2. 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, air quality and vibration from the quarry operation. 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, dust control and blasting. The information has also been subject to consultation; the responses to which have been taken into account in the report. 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.

- 11.3. 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 the proposed development, 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 development in this location is acceptable and in accordance with the development plan and national policies.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below.

Conditions:

Time Limit

1. The permission hereby granted authorises the extraction of mineral until the completion of extraction in "Phase 2" as shown on Proposed Working Plan – Phase 2 (ref. S1/PL15/0302, dated 01/24). 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 comply with Section 91 of the Town and Country Planning Act 1990

Cessation

2. In the event of mineral extraction ceasing at Settrington Quarry 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

3. The development hereby permitted shall be carried out in accordance with the application details dated 10 December 2022 the approved documents listed below and the following conditions which at all times shall take precedence.

Ref	Title	Date
No Ref	Supporting Statement	December 2019
No Ref	Scheme of Restoration	March 2011
S1/PL15/01	Location Plan	No date
S1/PL15/02	Site Plan	No date
Ref. S1/PL15/0301	Current site Proposed Working Plan phase 1	Dated 1/24
Ref. S1/PL15/0302	Current site Proposed Working Plan phase 2	Dated 1/24
Ref. S1/PL15/0303	Current site Proposed Working Plan phase 3	Dated 1/24
Ref. S1/PL15/0304	Current site Proposed Working Plan phase 4	Dated 1/24
Ref. S1/PL15/0305	Current site Proposed Working Plan phase 5	Dated 1/24
S1/PL20/05	Detailed restoration concept plan – with sections	October 2022

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

Decision Notice

4. 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

5. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) 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

6. 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.

7. 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.

8. 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.

9. 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 9:00 and 17:00 Monday to Friday and between 9:00 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

10. 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 35 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

11. Notwithstanding the noise limits imposed within Condition 10 (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

12. 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

13. 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

14. 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

15. One week prior to blasting the operator shall notify occupiers of properties of The Grange, Settrington, Malton, YO17 8NU 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 noise and vibration generated by the development in the interests of local amenity.

Blasting Monitoring

16. Within 6 months of the date of this permission, 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 14 to this permission is exceeded, blasting practice at the site shall be modified to ensure compliance with the limit specified in condition 14 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 or 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 Monitoring

17. Within one month of the date of this permission 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

18. 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

19. 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

20. 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 19 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. 18.*

Mud on the Road

21. 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

22. 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

23. No material other than subsoil and topsoil for restoration purposes shall be imported 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

24. 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

25. No soils shall be stripped, moved, placed and removed during the months of November to April. 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

26. 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.*

27. 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.

Site Clearance

28. 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

29. 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

30. 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 County Planning Authority.

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

Drainage

31. 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

32. The site shall be securely fenced.

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

Written Scheme of Investigation

33. Prior to the removal of any overburden or soils from each phase of extraction hereby permitted in accordance with the application details approved on the 6 February 2003 under planning permission C3/99/00868, a detailed scheme for the evaluation and

preservation by record of archaeological remains shall be submitted to the Local Planning Authority for written approval. Thereafter, archaeological field work in each phase shall be carried out in accordance with the approved scheme.

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

Restoration Scheme

34. Within 6 months from the date of 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

35. Within 6 months of the date of the decision, 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 36 to be undertaken in conjunction with representatives of the Local Planning Authority to assess the aftercare works that are required the following year.

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

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

Annual Review

36. Every 12 months from the date of this permission or another month other 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 County 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

37. 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: 10th December 2024

Case Officer: Sam Till,

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

Appendix B – Restoration Plan