

North Yorkshire County Council

Business and Environmental Services

Planning and Regulatory Functions Committee

30 MARCH 2021

C8/2020/0450/CPO - PLANNING APPLICATION FOR THE PURPOSES OF THE VARIATION OF CONDITION NO'S 2, 10 & 34 OF PLANNING PERMISSION C8/38/196A/PA TO PERMIT THE RELOCATION OF THE SOIL STORAGE AREA AND EXTRACTION OF SAND FROM THE PREVIOUS SOIL STORAGE AREA ON LAND AT HENSALL QUARRY, BROACH ROAD, HENSALL, SELBY, NORTH YORKSHIRE ON BEHALF OF DARRINGTON QUARRIES LTD (SELBY DISTRICT) (OSGOLDCROSS ELECTORAL DIVISION)

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the variation of condition No's 2, 10 & 34 of Planning Permission C8/38/196A/PA (application for the variation of condition No. 10 of planning permission reference C8/38/196/PA to increase the number of HGV movements associated with mineral extraction activities) to permit the relocation of the soil storage area and extraction of sand from the previous soil storage area on land at Hensall Quarry, Broach Road, Hensall, Selby, North Yorkshire on behalf of Darrington Quarries Ltd.
- 1.2 This application is subject to three objections having been raised by local residents in respect of this proposal on the grounds of noise pollution; air pollution/dust; debris on the highway; and impact upon local amenity and is, therefore, reported to this Committee for determination.

2.0 Background

Site Description

- 2.1 Hensall Sand Quarry is located approximately 500m south of the village of Hensall and approximately 8.5km south-south west of the town of Selby. Hensall Sand Quarry is currently operated by Darrington Quarries Ltd for the extraction of sand, predominantly building sand (also sand for use as a soil improver). The quarry presently covers an area of 26.68 hectares and produces circa 100,000 tonnes per annum. A significant proportion of the existing consented reserves have been sterilised due to the site having been undermined as a result of the extraction of coal associated with Kellingley Colliery, along with a large clay band being found in the most recent extension which was granted in 2017; culminating in the ground surface sinking and the water level rising some 2.4m.
- 2.2 The application site is bounded to the north by the Knottingley to Hull railway line and to the east by New Road. The village of Hensall lies to the north of the railway line. Agricultural land borders the site to the west, with the Selby to Doncaster railway line located approximately 700m to the east. The quarry is bounded to the south by the A645 Broach Road, beyond which is agricultural land intersected by the M62 motorway. To the west of the quarry lies a crossroad intersection between the A645

and two minor roads, Church Lane to the south and Station Road to the north. A number of residential properties, a church (Church of St Paul – approx. 235 metres South West of the site) and a school are situated close to the intersection and along Station Road. Hensall railway station is situated approximately 100m north west of the quarry boundary. Eggborough Power Station is situated approximately 1.3km to the north west of the quarry.

- 2.3 The nearest residential properties to the application site are the two properties at 'Quarry View' and the Gate House approximately 50-60 metres to the north east of the proposed extension site. The extended quarry would be closer to these properties than at present when extraction is within phase 2. In addition, other nearby properties to the proposed extension site include the bungalow known as 'Blue Pines' located approximately 150 metres to the west of the site and the properties making up the village of Hensall located approximately 140 metres to the north west. The nearest Public Right of Way is no. 35.34/4/1 south of the A645 Broach Road and this would not be affected by the application site.
- 2.4 In relation to constraints, the application site does not fall within, or in close proximity to any "sensitive areas" (SSSI, SPA/SAC, RAMSAR, AONB) or Article 1(5) land (Conservation Areas) or Scheduled Ancient Monuments. The Church of St Paul, which is a listed building, is situated approximately 235 metres South-West of the site. The application site is located within Flood Zones 2 and 3 as designated by the Environment Agency, meaning that the site is regarded as having a high probability of flooding. The site is within a Source Protection Zone 3 located on a principal aquifer. The site is also located within a Coalfield Consultation Area.
- 2.5 A plan showing the application site is attached to this report at Appendix A.

Planning History

- 2.6 On 16 June 2006, planning permission ref C8/38/196/PA was granted for a new quarry for the extraction of sand with the construction of a new access and the erection of processing plant and equipment. The permission area covers 11.6 hectares, of which 7.67 hectares was consented to be worked for the extraction of 1.26 million tonnes of building sand over 25 years. The permission authorises mineral extraction until 15 June 2031 with restoration to low level agricultural use.
- 2.7 On 20 June 2013, planning permission ref. C8/38/196A/PA was granted for the variation of condition no.10 of planning permission C8/38/196/PA to increase the number of HGV movements associated with mineral extraction activities. These increased from 24 vehicle movements a day to 210 per week over a 5.5 day basis. The permission expires on the 15 June 2031.
- 2.8 On 20 June 2013, planning permission ref. C8/38/41C/PA was granted for the importation of compost, mixing of compost and sand, stockpiling and exportation of soil material.
- 2.9 On 25 March 2015, an application (ref. NY/2015/0108/A30) was received for the approval of details reserved by condition no.4 of planning permission C8/38/41C/PA which relates to a scheme for the storage of materials. The application was not determined and was finally disposed of on 5 July 2016.
- 2.10 On 7 February 2017, planning permission reference C8/2016/0873/CPO was granted for a 14.91 hectare extension to the existing sand quarry.

3.0 The Proposal

- 3.1 Planning permission is sought for the variation of condition No's 2, 10 & 34 of Planning Permission C8/38/196A/PA (dated 20 June 2013) to permit the relocation of the soil storage area and extraction of sand from the previous soil storage area on land at Hensall Quarry, Broach Road, Hensall, Selby, North Yorkshire on behalf of the Darrington Quarries Ltd. This application is being considered concurrently with application reference NY/2020/0050/73, which has been submitted alongside, for the *“variation of condition No's 2, 10 & 34 of Planning Permission C8/38/196A/PA to permit the relocation of the soil storage area and extraction of sand from the previous soil storage area”*.
- 3.2 Planning Permission C8/38/196/PA (dated 16 June 2006) was the original permission for the Broach Road Quarry (now known as Hensall Quarry). This was varied by Planning Permission C8/38/196A/PA which was granted on 20 June 2013. Following subsidence as a result of underground workings from Kellingley Pit, reducing the available reserves due to flooding, Planning Permission C8/2016/0873/CPO was sought for a 14.91 hectare extension to the existing site, and was granted on 7 February 2017. This envisaged a further six years of extraction. However, the applicant has explained that a substantial clay inclusion running across the site, which was not apparent from the site investigation, has further reduced the sand reserves.
- 3.3 Both previous planning applications were subject to Environmental Impact Assessments (EIA) and were accompanied by an Environmental Statement (ES). The application site was subject to examination/assessment and fell within the original red line boundary. Planning Permission C8/38/196A/PA has an end date of 15 June 2031 and Planning Permission C8/2016/0873/CPO has an end date of 7 February 2023. The current proposal for the extraction of sand beneath the soils storage mounds contains an estimated reserve of circa 100,000 tonnes and extraction is anticipated by the Applicant to be complete within 12 months of commencement.
- 3.4 The Supporting Statement which accompanies the application suggests that it is appropriate to consider both permitted areas as comprising a single quarry entity. For the purposes of this application, the scope and extent of the two EIA/ES amount to a single assessment. The EIA/ES supporting Planning Permission C8/38/196/PA examined the physical aspects of working the larger area; including the area which is the subject of this current application now under consideration. Similarly, the EIA/ES which supported Planning Permission C8/2016/0873/CPO considered such matters as Health Impacts, Transport, etc., associated with the quarry generally. As the timescale for the proposed operations would fall well within the time frame of both previous planning permissions and by implication the scope of the relevant EIA/ES, with the exceptions detailed below, it is appropriate to rely on these documents in support of this application.
- 3.5 There are two principal aspects of development which would fall outside the scope of both of the previous EIA/ES, these being Landscape/Visual Intrusion and Noise and Vibration. Specialist consultants have been appointed to carry out the necessary Assessments and to make appropriate recommendations in respect of quarry design, future working etc. The full Assessments are contained within the supporting information and the remaining aspects of development are also referred to, with evidence being drawn from the previous two EIAs/ESs.
- 3.6 It is proposed to work the area of the application from the south east to the north-west in a single phase as shown on Appendix B (drawing ref. DQL/HSS/03, dated Feb 2020). The depth of sand extraction at the site has been subject to discussion with the Environment Agency and is subject to planning conditions (C8/2016/0873/CPO conditions 25, 26 and 27 refer). The default position adopted on site is that no working would go deeper than 1.0 metre above the highest recorded water table (2.9 metre

AoD). The extraction of mineral in the application area proposed would mean other mineral extraction on the existing, permitted site would cease.

- 3.7 As with existing operations, it is proposed to use a loading shovel for sand extraction and vehicle loading. Processing plant on site would consist of two powered screens, and crushing is not required. The Quarry is equipped with a weighbridge, wheel-cleaning equipment and a site office. The existing Quarry access has been constructed in accordance with the requirements of previous planning permissions and this would continue to be used.
- 3.8 The proposed development involves the stripping of soil, the extraction and screening of sand; the transport of sand to market by road; and restoration of the area to agriculture at low level. This would be carried out in accordance with a scheme as required by Condition 32 of Planning Permission C8/2016//0873/CPO.
- 3.9 It is acknowledged in the accompanying planning supporting statement, that whilst recognising that Darrington Quarries will be seeking to secure planning permission on a new site to replace Hensall Road Quarry, as an interim measure there are some important benefits of the proposed development. The development would safeguard two full-time jobs and help safeguard a further five allied jobs in haulage and support services. It would ensure the continued supply of an important construction material/soil improver for use in the Yorkshire Region.

Environmental Impact Assessment Findings

- 3.10 Environmental Statements (ES) which report the findings of the EIA have been submitted to North Yorkshire County Council in support of both substantive Planning Applications covering the Quarry. The Applicant has undertaken a review of the Environmental Impact Assessment previously undertaken and has confirmed that there are no changes in circumstance that necessitate further assessment, other than landscape/visual and noise and vibration. The sections below detail the findings of the new Assessments carried out in respect of Landscape/Visual Intrusion and Noise and Vibration, and refer to the various EIA elements and report on the findings drawn from these previous EIA/ES as they apply to the Proposed Development.

Landscape and Visual Intrusion

- 3.11 Landscape and Visual Appraisals were carried out in respect of Planning Permissions C8/38/196/PA and C8/2016/0873/CPO. Whilst these covered many aspects of the proposed development, neither considered the implications of the current proposals in full. Accordingly, the proposed scheme has been appraised against the original criteria to determine whether it would result in any materially adverse impacts.
- 3.12 While the new Appraisal acknowledged that the Proposed Development would result in sand extraction moving some 100m closer to sensitive receptors, including Blue Pines and residents along Broach Road and Station Road, it also recognised that as these operations would take place at or below ground level, they would be screened by existing trees and hedges. The appraisal also recognised that the existing soil stockpiles would be moved further away from these sensitive receptors and as a consequence would now be largely unseen.
- 3.13 With regard to more distant views of the site, the Assessment concluded that the presence of the stockpiles would not be prominent in the landscape and, in all probability, such views would be transitory, i.e. the receptor would be driving or travelling by train. With regard to the creation of the additional void as a consequence of sand extraction, the Assessment concluded that this would not alter the scale or nature of the Quarry so significantly such as to result in landscape impacts over and above those that had already been considered.

- 3.14 The Assessment concludes that there would be no significant adverse effects resulting from the proposed development and no additional effects that have not already been considered in support of the existing planning permissions for the site, albeit that activities would be undertaken in different parts of the quarry.

Hydrology

- 3.21 The Applicant has undertaken a review of the Hydrological Assessment carried out for the purposes of Planning Permission C8/2016/0873/CPO. The review considered the hydrological characteristics of the site and sand extraction. The original assessment includes the area which is the subject of this application. The assessment concluded that subject to the implementation of the mitigation measures, sand extraction and relocation of the soil storage stockpiles would have no significant impacts on hydrology, flood risk, drainage, water quantity and quality.
- 3.22 The Applicant has since undertaken a new Flood Risk Assessment (March 2021), which confirms the same findings as previous. The new assessment considered previous FRAs for the site which included an assessment of the existing hydrological characteristics of the site, the potential impacts of the Proposed Development, and has confirmed that the previously proposed and implemented mitigation measures to minimise any adverse impacts identified are sufficient. It is therefore considered that the findings of the previous HRAs still hold true and that previously proposed mitigation and enhancement measures would reduce the significance of potential impacts of the proposed development on the hydrology of the site to negligible.

Noise and vibration

- 3.22 Noise and Vibration Assessments were carried out in respect of Planning Permissions C8/38/196/PA and C8/2016/0873/CPO. Whilst these covered many aspects of the proposed development, neither considered the implications of the current proposals in full. Accordingly, the proposed scheme has been assessed against the original criteria to determine whether it would result in any materially adverse impacts.
- 3.23 The new assessment considered the potential for worst-case operational noise levels to give rise to impacts at the nearest noise-sensitive receptor locations to the proposed area of mineral extraction and relocated soils stockpile storage areas. The assessment concluded that screen mound removal, soil stripping and soils and overburden handling operations, which would be undertaken for a period of approximately three weeks, would remain well within the 70dB $L_{Aeq,1hr}$ nominal noise limit for temporary operations described in the PPGM. It further concluded that if day to day operations were to be undertaken behind the working face wherever possible, then worst-case predicted noise levels would meet the noise limits derived in accordance with the PPGM, i.e. background plus 10dB, at all receptors assessed. Based on the operational activities described and the application of good site management practices, the assessment considered that the proposed development can be carried out without causing significant adverse impacts at the nearby receptors.

Transport, traffic and public rights of way

- 3.24 The Applicant has undertaken a review of the the Transport, Traffic and Public Rights of Way Assessment carried out in respect of the Planning Permission C8/2016/0873/CPO considered the potential traffic and transportation impacts of sand extraction. For the purpose of the assessment, a maximum quarry production of 100,000tpa was assumed and the principal focus was on Heavy Goods Vehicles (HGVs). The review considered the the above and for the purposes of this application, these assumptions are still appropriate. Given that the timeframe of the assessment extended until February 2023 and that the proposed sand extraction would be completed before then, it is considered that the assessment's conclusions remain valid.

The assessment examined the impact of the proposed development on Public Rights of Way and none are proposed to be affected by the current proposal.

Air Quality

- 3.25 The Applicant has undertaken a review of the conclusions of the Dust Assessment carried out in respect of Planning Permission C8/38/196/PA, which are applicable to the area subject of this application. The Assessment identified three potential sources of dust generation:
- Movement of vehicles along unsurfaced roads;
 - Excavation and screening of mineral prior to export off site, and;
 - Soil stripping and spreading.
- 3.26 It is acknowledged that all three of the above elements of the proposed development would approach closer to receptors, principally Blue Pines and properties on Broach Road and Station Road. The assessment concluded that these receptors would experience a moderate magnitude of effect when the wind was blowing towards them. However, meteorological data for the site shows that the number of days when this is likely to occur is typically two per year. Given the infrequency of this event, the significance of the impact of dust is assessed to be low or minor.
- 3.27 The Dust Assessment carried out in respect of Planning Permission C8/2016/0873/CPO considered dust emissions from quarrying operations and exhaust gas emissions from haulage vehicles. The assessment looked at existing background emissions levels, local meteorological data and identified local sensitive receptors. The proposed development would not invalidate the conclusions of this assessment. For example, with regard to vehicle exhaust emissions, the assessment found that the low level of predicted vehicle movements (which would continue) would be below the EPUK screening threshold and therefore as the impact was deemed to be insignificant, no detailed assessment was necessary. Both assessments concluded that, with mitigation applied, the impacts were predicted to be negligible and therefore insignificant and it is considered that these conclusions are applicable to the proposed development. The review confirms that this continues to be the case.

Review of existing conditions 2, 10 and 34

- 3.28 The current working scheme and soil stockpiling areas are shown on drawings/details covered by Planning Conditions 2, 10 and 34 of planning permission C8/38/196A/PA.

Planning Condition 2

- 3.29 *“The development hereby permitted shall be carried out in accordance with the application details dated 29 March 2005 and as amended by the following correspondence and submissions:
Letter from Robert Long dated 12th January 2006
Letter from Robert Long dated 23rd November 2005
Letter from Robert Long dated 11th November 2005
Letter from Robert Long dated 3rd November 2005
Letter from Robert Long dated 24th October 2005
and the following conditions which at all times shall take precedence or in accordance with such other details as may be subsequently approved in writing by the County Planning Authority.”*

It is proposed to word the condition as follows:

“The development hereby permitted shall be carried out in accordance with the application details dated 29 March 2005 and as amended by the following correspondence and submissions:

Letter from Robert Long dated 12th January 2006

Letter from Robert Long dated 23rd November 2005
 Letter from Robert Long dated 11th November 2005
 Letter from Robert Long dated 3rd November 2005
 Letter from Robert Long dated 24th October 2005
 Planning Application to revise Planning Conditions 2, 10 and 34 dated February 2020

and the following conditions which at all times shall take precedence or in accordance with such other details as may be subsequently approved in writing by the County Planning Authority.”

Planning Condition 10

- 3.30 *“Excavation of the quarry shall take place in accordance with details contained in drawing number H/DAR/HEN/LAY/01 Revision B to ensure sufficient standoff from the public highway, any resulting embankment shall have a maximum gradient of 1 in 3 to the horizontal unless otherwise agreed in writing by the County Planning Authority.”*

It is proposed to word the condition as follows:

“Excavation of the quarry shall take place in accordance with details contained in drawing number 1237-005-ENZ-XX-XX-DR-L-00-002 to ensure sufficient standoff from the public highway and railway, any resulting embankment shall have a maximum gradient of 1 in 3 to the horizontal and shall be maintained in a stable condition. The stand off between excavations and the railway boundary shall be maintained at 30 metres and no overburden or soils shall be tipped or any buildings erected or haul road operated within 15 metres of the railway boundary. All plant and machinery must be so positioned and used to prevent the accidental entry onto railway property of such plant, machinery or loads attached thereto, in the event of failure.”

Planning Condition 34

- 3.31 *“All topsoil and subsoil shall be stored in separate mounds which do not overlap. Such mounds:
 a) shall be located in the positions identified on drawing number H/DAR/HEN/LAY/01 Revision B.
 b) shall not exceed 3m in height.
 c) shall be constructed with a minimum of soil compaction necessary to ensure stability and so shaped so as to avoid collection of water in surface undulations
 d) shall have a minimum 3.0 metre stand off which shall be undisturbed around storage mounds.”*

It is proposed to word the condition as follows (now proposed condition 41):

“All topsoil and subsoil shall be stored in separate mounds which do not overlap. Such mounds:

- a) shall be located in the positions identified on drawing number DQL/HSS/03.
 b) shall not exceed 3m in height.
 c) shall be constructed with a minimum of soil compaction necessary to ensure stability and so shaped so as to avoid collection of water in surface undulations
 d) shall have a minimum 3.0 metre stand off which shall be undisturbed around storage mounds.

Unless otherwise agreed in writing by the County Planning Authority.”

4.0 Consultations

The consultee responses summarised within this section of the report relate to responses to consultation undertaken on the 5 May 2020.

- 4.1 **Selby District Council (Planning)** – confirmed in a response which was received on 12 May 2020, that the District Council Planning Team has no objections or comments to make in respect of this application, however would suggest that the wording of the conditions should be reviewed to specifically refer to the application reference rather than noting “this planning application”.
- 4.2 **Selby District Council (Environmental Health)** – confirmed in a response received on 14 May 2020, that the noise assessment demonstrates that the noise from the extended quarry area would meet the requirements of the existing conditions to control noise from the operations, and therefore has no comments to make.
- 4.3 **Environment Agency York** – confirmed in a response received on 22 May 2020, that there are no objections. Further stated that the proposed mineral extraction presents a risk to groundwater which is particularly sensitive in this location because the proposed development site is located on a principal aquifer which is within source protection zone 3. However, the evidence submitted in support of this planning application provides confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development. In light of the above, the proposed development will be acceptable if a planning condition is included requiring submission and subsequent agreement of a construction and environment management plan, for approval prior to commencement of development.
- 4.4 **Natural England** – confirmed in a response received on 26 May 2020, that they have no concerns regarding the variation of conditions and no detailed comments to make.
- 4.5 **NYCC Heritage - Principal Landscape Architect** – confirmed in a response received on 11 January 2021 (following discussions with the Applicant), that they have no objection in principle, to the proposed development. However, has requested that conditions be attached to any grant of planning permission, which ensures that all existing trees and hedgerows and screening woodland within the site are protected and retained unless identified on the approved plans for removal. Also stated that in relation to noise and visual screening by straw bales, has no objection to the principle as stated “*2.5m high and these will be placed the full length of the western boundary*”, but would recommend that the location should be shown on a plan, to demonstrate that the bale screening is suitably located to achieve the screening and that this will allow retention of existing trees and vegetation, to be maintained for the extraction and restoration phases. This could be requested by suitably worded condition.
- [Officer note: *subsequent to the above request for a condition relating to the straw bales, on this occasion, in light of the presence of the bales in question already being indicated on a submitted drawing, a separate condition is considered to be unnecessary.*]
- 4.6 **NYCC Heritage - Ecology** – Following a further walkover survey which was undertaken since the submission of this application, the County Council’s Ecologist confirmed in a response received on 10 August 2020, that the survey provides assurance that no protected species or priority habitats would be impacted, other than the presence of Sand Martin nests “*on the southern section of the boundary to the western grassland which is to be excavated*”. “*The report reasonably concludes that there is plentiful alternative nesting habitat for Sand Martins within the quarry, but it is important to avoid disturbance of this species when nesting. We would therefore recommend a Condition ensuring adherence to the ‘Recommendations and Mitigation’ section of the report.*”
- 4.7 **NYCC Heritage – Archaeology** – responded on 12 May 2020, advising that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of development,

including site preparation works and top soil stripping, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed. The Archaeologist recommended the imposition of one condition to reflect this.

- 4.8 **Highway Authority** – confirmed in a response received on 14 May 2020, that the proposed development would not have an impact upon the operation of the highway beyond what has already been determined by the extant planning permission. They also confirmed that since 2016, the quarry traffic has been operating without any recorded accidents on the highways near the site, and therefore the Highway Authority has no objections to the proposed development.
- 4.9 **Highways England** – confirmed in a response received on 20 May 2020, that they offer no objection to the proposed development.
- 4.10 At the time of the writing of this report, no response to consultation had been received from the following:
- Danvm Drainage Commissioners
 - NYCC Arboricultural Officer;
 - Coal Authority;
 - Network Rail
 - Yorkshire Water Services Ltd; and,
 - Hensall Parish Council.

Notifications

- 4.16 **County Cllr. John McCartney** – was notified of the application.

5.0 Advertisement and representations

- 5.1 This application has been advertised by means of six Site Notices posted on 4 May 2020 (responses to which expired on 29 May 2020). The Site Notices were posted in the following locations:
- Quarry Entrance;
 - Heck Lane (railway crossing sign);
 - Field Lane East (lamppost);
 - Field Lane West (opposite bus stop);
 - Station Road North (lamppost);
 - Station Road South (railway crossing end).
- 5.2 A Press Notice appeared in the Selby Times on 8 May 2020 (responses to which expired on 22 May 2020).
- 5.3 Neighbour Notification letters were sent on 7 May 2020 and the period in which to make representations expired on 28 May 2020. 38 properties within the vicinity of the quarry received a neighbour notification letter.
- 5.4 A total of 3 letters of representation have been received raising objections on the grounds of:-
- Noise pollution;
 - Air Pollution/Dust;
 - Debris on the highway;
 - Impact upon local amenity.

6.0 Planning policy and guidance

The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. In this instance, therefore, the *Development Plan* consists of policies contained within a number of planning documents. These documents include:
- any extant planning policies contained within Plan(s) adopted by the County and District (or Borough) Councils 'saved' under direction of the Secretary of State; and,
 - any planning policies contained within *Development Plan* Documents adopted under the Local Development Framework regime.

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

- The extant 'saved' policies of the North Yorkshire Minerals Local Plan (1997);
- The extant policies of the Selby District Core Strategy Local Plan (2013);
- The 'saved' policies of the Selby District Local Plan (2005).

During discussion of the development plan, reference is made to the National Planning Policy Framework (NPPF) and National Planning Policy for Waste (NPPW) which are referred to and discussed later in this report from paragraph 6.56 below.

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

- Minerals and Waste Joint Plan (North Yorkshire County Planning Authority, the City of York Council and North York Moors National Park Authority).

- 6.4 The draft MWJP was published in November 2016 for representations, after consultation commenced on an Addendum schedule of proposed changes for an 8 week period over summer 2017. The MWJP was submitted to the Secretary of State for Communities and Local Government on 28 November 2017 and the Examination in Public (EiP) began on 27 February 2018. At present, the plan is still in the examination phase with the hearings having been concluded and with main modifications to be consulted upon. Therefore, gaining weight can be given to these emerging MWJP Policies as the process toward adoption moves forward. The most relevant policies in regards to the determination of this application are:

Strategic policies for minerals

- M08 Meeting building sand requirements

Development Management Policies

- D01 Presumption in favour of sustainable minerals and waste development
- D02 Local amenity and cumulative impacts
- D03 Transport of minerals and waste and associated traffic impacts
- D06 Landscape
- D09 Water Environment
- D10 Reclamation and afteruse

- 6.5 Draft MWJP Policy M08 Meeting building sand requirements states,

"Requirements for building sand will be met through existing permissions and the grant of permission on sites allocated in the Joint Plan for working.

Building sand allocations:

- *Land at Hensall Quarry (MJP22)*
- *Land at West Heselton Quarry (MJP30)*

- Land adjacent to Plasmor blockworks, Great Heck (MJP44)
- Land at Mill Balk Quarry, Great Heck (MJP54)

Proposals for the development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures.”

6.6 Draft MWJP Policy D01 Presumption in favour of sustainable minerals and waste development states,

“When considering development proposals the Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date then the Authority will grant permission unless:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.”*

6.7 Draft MWJP Policy D02 Local amenity and cumulative impacts, states,

“Proposals for minerals and waste development, including ancillary development and minerals and waste transport infrastructure, will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space.

Proposals 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.

2) Applicants are encouraged to conduct early and meaningful engagement with local communities in line with Statements of Community Involvement prior to submission of an application and to reflect the outcome of those discussions in the design of proposals as far as practicable.

6.8 Draft MWJP Policy D03, in regards to *Transport of minerals and waste and associated traffic impacts*, states:

“1) Where practicable minerals and waste movements should utilise alternatives to road transport including rail, water, pipeline or conveyor.

Where road transport is necessary, proposals will be permitted where:

- *There is capacity within the existing network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not have an unacceptable impact on local communities, businesses or other users of the highways network, or any such impacts can be appropriately mitigated, for example by traffic controls, highway improvements and traffic routing arrangements; and*
- *Access arrangements are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users, where relevant;.”*

6.9 Draft MWJP Policy D06 concerns landscape issues and the relevant points include:

“1) All landscapes will be protected from the harmful effects of development. Proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures.

4) Where proposals may have an adverse impact on landscape, tranquillity or dark night skies, schemes should provide for a high standard of design and mitigation, having regard to landscape character, the wider landscape context and setting of the site and any visual impact, as well as for the delivery of landscape enhancement where practicable.“

6.10 Draft MWJP Policy D09 Water Environment, states:

“1) Proposals for minerals and waste development will be permitted where it can be demonstrated that no unacceptable impacts will arise, taking into account any proposed mitigation, on surface or groundwater quality and/or surface or groundwater supplies and flows. 4) Proposals for minerals and waste development should, where necessary or practicable taking into account the scale, nature and location of the development proposed, include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures including use of sustainable urban drainage systems.”

6.11 Draft Policy D10, in regards to *Reclamation and Aftercare*, states:

Part 1) Proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and, where appropriate to the scale and location of the development, have demonstrably:

- i) Been brought forward following discussion with local communities and other relevant stakeholders and, where practicable, the proposals reflect the outcome of those discussions;*
- ii) Taken into account the location and context of the site, including the implications of other significant permitted or proposed development in the area and the range of environmental and other assets and infrastructure that may be affected, including any important interactions between those assets and infrastructure;*
- iii) Reflected the potential for the proposed restoration and/or afteruse to give rise to positive and adverse impacts, including cumulative impacts, and have sought where practicable to maximise potential overall benefits and minimise overall adverse impacts;*
- iv) Taken into account potential impacts on and from climate change factors;*
- v) Made best use of onsite materials for reclamation purposes and only rely on imported waste where essential to deliver a high standard of reclamation;*
- vi) Provided for progressive, phased restoration where appropriate, providing for the restoration of the site at the earliest opportunity in accordance with an agreed timescale;*
- vii) Provided for the longer term implementation and management of the agreed form of restoration and afteruse (except in cases of agriculture or forestry afteruses where a statutory 5 year maximum aftercare period will apply)”*

North Yorkshire Minerals Local Plan ‘saved’ policies (NYMLP)

6.12 The Planning and Compensation Act 1991 placed a duty on each County Council in England and Wales to prepare a Minerals Local Plan. The NYMLP was adopted in 1997 under the 1991 Act. In the absence of an adopted MWJP and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 as of 27 September 2007 only the ‘saved’ policies continue to form part of the statutory ‘development plan’ and provide an important part of the current local policy framework for development control decisions for minerals related development.

6.13 The ‘saved’ policies of the North Yorkshire Minerals Local Plan (1997) relevant to the determination of this application are:

- Policy 4/1 - Determination of Planning Applications;
- Policy 4/6a - Nature Conservation and Habitat Protection – Local;
- Policy 4/10 – Water Protection
- Policy 4/13 - Traffic Impact;
- Policy 4/14 - Local Environment and Amenity;
- Policy 4/18 – Restoration to Agriculture;
- Policy 4/20 – Aftercare.

6.14 ‘Saved’ Policy 4/1 ‘*Determination of Planning Applications*’, states,

‘In considering an application for mining operations, the Minerals Planning Authority will need to be satisfied that, where appropriate:-

- a. the mineral deposit on the application site has been fully investigated;
- b. the siting and scale of the proposal is acceptable;
- c. the proposed method and programme of working would minimise the impact of the proposal;
- d. landscaping and screening has been designed to effectively mitigate the impact of the proposal;
- e. other environmental and amenity safeguards would effectively mitigate the impact of the proposals;
- f. the proposals and programme for restoration are acceptable and would allow a high standard to be achieved;

- g. a high standard of aftercare and management of the land could be achieved;
- h. the proposed transport links to move the mineral to market are acceptable; and
- i. any cumulative impact on the local area resulting from the proposal is acceptable'.

- 6.15 The NPPF is silent in respect of the matters raised within criteria a), b), c) & d).
- 6.16 Where criterion e) is concerned, Paragraph 205 of the NPPF states that when determining planning applications, local planning authorities should ensure that any unavoidable emissions or vibrations are controlled or mitigated (if it is not possible to remove them at source).
- 6.17 With regard to criteria f) and g), Paragraph 205 of the NPPF states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary.
- 6.18 Criterion h) of 'saved' Policy 4/1 does not conflict with the provisions of the NPPF; however, there are differences in the objectives. Criterion h) states that transport links should be acceptable whereas paragraphs 102 - 104 of the NPPF states that improvements to the transport network should be considered, therefore, the NPPF should be given more weight in this instance.
- 6.19 Criterion i) of 'saved' Policy 4/1 is consistent with Paragraph 205 of the NPPF. Paragraph 205 states that in granting permission for mineral development the cumulative effects of multiple impacts from individual sites and/or from a number of sites in a locality should be taken into account.
- 6.20 'Saved' Policy 4/6A '*Nature Conservation and Habitat Protection – Local*', states that in making decisions on planning applications, the Mineral Planning Authority will protect the nature conservation or geological interest of Local Nature Reserves and of other sites having a nature conservation interest or importance, and will have regard to other wildlife habitats. This Policy is consistent with Paragraph 170 of the NPPF. Paragraph 170 states that that the planning system should conserve and enhance the natural and local environment by minimising impacts on biodiversity.
- 6.21 'Saved' Policy 4/10 '*Water Protection*', states that proposals for mining operations and the associated depositing of mineral waste will only be permitted where they would not have an unacceptable impact on surface or groundwater resources. Paragraph 170 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and this policy is consistent with Paragraph 170 of the NPPF.
- 6.22 'Saved' Policy 4/13 '*Traffic Impact*', states that where rail, waterway or other environmentally preferable modes of transport are not feasible, mining operations other than for coal, oil and gas will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network. This Policy is consistent with the provisions of paragraphs 102 - 104 of the NPPF which also states that improvements to the transport network should be considered.
- 6.23 'Saved' Policy 4/14 '*Local Environment and Amenity*', states that proposals for mining operations and the associated depositing of mineral waste will be permitted only where

there would not be an unacceptable impact upon the local environment or residential amenity. This Policy is considered to be consistent with Paragraph 205 of the NPPF. Paragraph 205 states that when determining planning applications, local planning authorities should ensure that there are no unacceptable adverse impacts on the natural environment and human health and should take into account cumulative impacts of a development in a locality.

- 6.24 'Saved' Policy 4/18 entitled '*Restoration to agriculture*' is considered relevant to the determination of this application as the proposal is for the site to be restored to agriculture once operations have ceased. The policy states, *'Where agriculture is the intended primary after use, the proposed restoration scheme should provide for the best practicable standard of restoration. Such restoration schemes should, where possible, include landscape, conservation or amenity proposals provided that these do not result in the irreversible loss of best and most versatile land'*.
- 6.25 The NPPF states within Paragraph 205 that planning authorities should '*provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary*'. It is considered that 'saved' Policy 4/18 is therefore consistent with the NPPF and should be afforded full weight in the determination of this application.
- 6.26 'Saved' Policy 4/20 '*After-care*', states that planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity (including nature conservation) will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified after-use. Normally this requirement will run for a period of five years following restoration. Additionally, where forestry and amenity (including nature conservation) after-uses are proposed, the Mineral Planning Authority may seek to secure longer term management agreements. This Policy is considered to be consistent with Paragraph 205 of the NPPF. Paragraph 205 states that when determining planning applications, local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

Selby District Core Strategy

- 6.27 The Selby District Core Strategy is the long-term strategic vision for how the District will be shaped by setting out a number of broad policies to guide development principles for the area.
- 6.28 The Core Strategy (2013) does not contain any policies specific to mineral development ('County Matters'), but there are general development management policies which would usually be applicable to District-scale development which, in this instance, are relevant to the determination of this application. It should be noted that a new Selby Local Plan is emerging, which is still in the pre-submission consultation stage and therefore still subject to objection. Therefore, the policies considered relevant to the determination of this application are:
- SP1 - Presumption in Favour of Sustainable Development;
 - SP13 - Scale and Distribution of Economic Growth;
 - SP15 - Sustainable Development and Climate Change;
 - SP18 - Protecting and Enhancing the Environment;
 - SP19 - Design Quality.
- 6.29 Policy SP1 of the Selby District Core Strategy states, *'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that*

accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date (as defined by the NPPF) at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted’.

6.30 Policy SP13 of the Selby District Core Strategy states that “Support will be given to developing and revitalising the local economy in all areas”, with the most relevant considerations for this application being as follows:

C. Rural Economy

In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example:

1. *The re-use of existing buildings and infrastructure and the development of well-designed new buildings;*
2. *The redevelopment of existing and former employment sites and commercial premises;*
3. *In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity”.*

6.31 Policy SP15 of the Selby District Core Strategy relates to *Sustainable Development and Climate Change* and specifically Part B is of relevance to this application, and states (inter alia):

“B. Design and Layout of Development

In order to ensure development contributes toward reducing carbon emissions and are resilient to the effects of climate change, schemes should where necessary or appropriate:

- d) *Protect, enhance and create habitats to both improve biodiversity resilience to climate change and utilise biodiversity to contribute to climate change mitigation and adaptation;*
- e) *Include tree planting, and new woodlands and hedgerows in landscaping schemes to create habitats, reduce the ‘urban heat island effect’ and to offset carbon loss;*

6.32 Policy SP18 of the Selby District Core Strategy seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. A number of points within Policy SP18 are of relevance to the proposed development, as follows:

“The high quality and local distinctiveness of the natural and man-made environment will be sustained by (inter alia):

1. *Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance...*
3. *Promoting effective stewardship of the District’s wildlife by:*
 - a) *Safeguarding international, national and locally protected sites for nature conservation, including SINCS, from inappropriate development.*
 - b) *Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site*
 - c) *Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate...*
7. *Ensuring that new development protects soil, air and water quality from all types of pollution”.*

6.33 Policy SP19 of the Selby District Core Strategy states, “Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design.”

Selby District Local Plan

- 6.34 Notwithstanding the adoption of the Selby District Core Strategy Local Plan in 2013, referred to above, some of the policies in the existing Selby District Local Plan (adopted in 2005 and saved in 2008 by Direction of the Secretary of State) remain extant following the adoption of the Core Strategy.
- 6.35 Within the Selby District Local Plan, the 'saved' policies relevant to the determination of this application are:
- ENV1- Control of Development;
 - ENV2 - Environmental pollution and Contaminated land;
 - T1- Development in Relation to the Highway network.
- 6.36 'Saved' Policy ENV1, advises that *'proposals for development will be permitted provided a good quality of development would be achieved.'* The plan further advises that when considering proposals, considerations will take into account of *'the effect upon the character of the area or amenity of adjoining occupiers'; 'the potential loss, or adverse effect upon significant buildings, related species, trees, wildlife habitats, archaeological or other features important to the character of the area'; the 'relationship of the proposal to the highway network, the proposed means of access and arrangements to be made for car parking'; and the 'standard of layout, design and materials in relation to the site and its surroundings and associated landscaping'.* This policy is consistent with the NPPF's objectives of presumption in favour of sustainable development, as outlined in Paragraph 17 of the Framework, which relates to the importance of achieving a good quality of design to ensure a good quality and standard of amenity for all existing and future occupants and therefore full weight is given to this policy in the determination of this application.
- 6.37 It is considered that limited weight can be attached to 'saved' Policy ENV1 as the NPPF makes clear that the effects of pollution on the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account. However, with regards to transport, the NPPF paragraph 109 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and, therefore, only limited weight may be given in this instance.
- 6.38 'Saved' Policy ENV2 - Environmental pollution and contaminated land states that
- A) *Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences.*
- B) *Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary".*

This Policy is generally considered to be consistent with Chapter 11 of the NPPF.

- 6.39 'Saved' Policy T1- *Development in Relation to the Highway network* states that development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer. It is considered that 'saved' Policy T1 is consistent with the NPPF and should be given full weight in the determination of this application. This is because the objectives in the NPPF (para 102) state that improvements to the transport network should be considered.

Other policy considerations:National Planning Policy

- 6.40 The policy relevant to the determination of this particular planning application provided at the national level is contained within the National Planning Policy Framework (NPPF) (published February 2019)

National Planning Policy Framework

- 6.41 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 6.42 The overriding theme is to apply a presumption in favour of sustainable development (paragraph 8). For decision-making, this means approving development proposals that accords with the development plan without delay (if plans are up-to-date and consistent with the NPPF).
- 6.43 Paragraphs 102-104 within Section 9 (Promoting sustainable transport) of the NPPF state that plans and decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 109 is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.44 Paragraph 149 within Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF states,
"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure."
- 6.45 Paragraph 170 within Chapter 15 (*Conserving and enhancing the natural environment*) of the NPPF sets out a number of principles for determining planning applications which aims to conserve and enhance biodiversity. These include:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- 6.46 Paragraph 175 within Chapter 15 (*Conserving and enhancing the natural environment*) of the NPPF states
 "When determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."

- 6.47 Within Paragraph 180 within Chapter 15 (*Conserving and enhancing the natural environment*) of the framework it is noted that
“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
 - b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
 - c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*
- 6.48 Paragraph 178 within Chapter 15 (*Conserving and enhancing the natural environment*) of the NPPF states *‘planning policies and decisions should also ensure that:*
- a) *a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - c) *adequate site investigation information, prepared by a competent person, is available to inform these assessments.*
- 6.49 Chapter 17 of the NPPF is titled *‘Facilitating the Sustainable Use of Minerals’* which states at Paragraph 203 that minerals are,
‘essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation’.
- 6.50 Furthermore, when determining the application, consideration needs to be given to the bullet points in Paragraph 205 of the NPPF relevant to the proposed development, which states that *“When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy).* In considering proposals for mineral extraction, minerals planning authorities should:
- a) *ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;*
 - b) *ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source⁶⁶, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;*
 - c) *provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;*
- 6.51 Within Chapter 17, Paragraph 207 states that *‘Minerals planning authorities should plan for a steady and adequate supply of aggregates by:*
- a) *preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years’ sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);*
 - b) *participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;*
 - c) *making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working*

Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;

- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;*
- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;*
- f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised;*
- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and*
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.*

National Planning Practice Guidance (PPG) (2014)

- 6.52 The NPPG supports the national policy contained within the NPPF. During the assessment of this application, consideration has been given to the planning practice guidance available on the national online resource covering areas such as air quality; design; environmental impact assessment; flood risk; health & well-being; minerals; the natural environment and noise and these have all factored in the analysis which is discussed below within Section 7.0 of this report.

7.0 Planning considerations

- 7.1 Section 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The decision can be to grant such permission unconditionally or to grant subject to different conditions if they were capable of being imposed on the original consent, or it can be to refuse the application if a decision is made that the original condition(s) should continue. In any event, the extant permission remains intact capable of being relied upon.
- 7.2 Only the question of what conditions should be imposed on the grant of permission is allowed to be considered under the provisions of Section 73. In considering whether to grant permission the Planning Authority can only consider the question of conditions subject to which the earlier permission was granted. Nevertheless, relevant planning considerations and policies in determining the conditions are able to be considered and authorities are not restricted to policies and planning considerations in force at the time the previous permission was determined. Material considerations also include the practical consequences of amending the conditions.
- 7.3 The opportunity has been taken to review the existing conditions for both applications (this and NY/2020/0049/73). The principle requirements of the conditions remain unchanged, however, they have been reviewed and updated to be both consistent with each of the planning permissions that cover the respective areas and have been changed to provide for those schemes and programmes that have previously been approved with all subsequent requirements to the conditions remaining in place and to be adhered to throughout the operational life of the permissions.
- 7.4 Notwithstanding, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in

accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. Whilst the National Planning Policy Framework was amended in 2019, on review of policies contained within, the changes only amount to changes in paragraph numbers and it is considered that there are no significant changes which would affect the determination of this application.

Principle of the proposed development

- 7.5 The proposed development involving the further extraction of mineral which exists beneath the soil storage mounds lies adjacent to the existing operational quarry which forms part of the landbank for meeting the requirements for sand over the Plan period in the emerging Minerals & Waste Joint Plan and is one of the 'existing permissions' referred to in draft Policy M08. The existing quarry is currently the subject of extraction and is being progressively restored as extraction proceeds. Therefore, in terms of MWJP Policy M08 of the emerging Joint Plan, the principle of the proposed development is supported.
- 7.6 The area subject to this application is not in a National Park, or an Area of Outstanding Natural Beauty (AONB), so is not subject to compliance with the requirements for major development. It is not considered to compromise the overall delivery of the strategy for a sustainable supply and use of minerals because it would be integrated into the existing operations which form part of the landbank, and restoration of the site would be achieved progressively. This is the additional reserve of sand, however the restoration of the site would not change significantly and would still be restored to low-level agriculture. The consideration of the mineral policies are relevant, due to the additional sand reserve sought to be extracted by the variation of condition, and it is considered that the development would be consistent with the development management policies in the Joint Plan. It would therefore accord with draft Policy M08 of the Joint Plan. This would accord with the principle in Paragraph 207 of the NPPF of maintaining landbanks and would make best use of available mineral in land already affected by extraction in the vicinity of a permitted landbank at the site in accordance with Paragraph 203 of the NPPF, which refers to minerals only being worked where they are found and that it is important to make best use of them to secure their long-term conservation, as otherwise an alternative source of mineral would potentially have to be secured. The proposal is also considered to accord Policy SP1 of the Selby District Core Strategy Local Plan as being a positive approach reflecting the presumption in favour of sustainable development.
- 7.7 In respect of the assessment of the proposed development against 'saved' Policy 4/1 of the NYMLP (the text of which is reproduced within Section 6.0 above), the paragraphs 7.5 to 7.14 (inclusive) explain how this criteria-based policy has been satisfied.
- 7.8 In terms of criterion a) requiring the mineral deposit on the application site to be fully investigated, it is considered that the mineral deposit has been identified and investigated by the applicant as suitable. The application area was subject to examination/assessment for both of the previous planning application and fell within the original red line boundary of both.
- 7.9 Criterion b) of 'saved' NYMLP Policy 4/1 expects both the siting and scale of the proposal to be acceptable and, in this case, in seeking to extend an already exposed and identified mineral reserve within the wider site, it is considered that the siting is acceptable and that the scale is appropriate.
- 7.10 In terms of criterion c), the proposed method and programme of working as detailed by the applicant has explained that the mineral would be worked and restored progressively and sufficient safeguards would be put in place to minimise the impact of

the proposal. The annual output of mineral from the site will largely remain a similar amount (100,000 tonnes) and therefore there would be no intensification of operations. It is considered that in the absence of any evidence to the contrary that this method of extraction is capable of being appropriately controlled via the imposition of conditions, attached to any subsequent permission.

- 7.11 Criterion d) expects both landscaping and screening to be designed so as to effectively mitigate the impact of the proposal. It is acknowledged that the proposal is located adjacent to the void of an already worked part of the site and it is considered that the effects of the current proposal under consideration are capable of being appropriately mitigated by the existing approved schemes.
- 7.12 The applicant has engaged with the County Council's adviser on landscape matters, and following clarification on a number of matters, including the location of the proposed straw bales, it is considered that any potential landscape impact is considered acceptable and consistent with criterion d) of 'saved' NYMLP Policy 4/1.
- 7.13 In respect of criterion e), there is the policy expectation that other environmental and amenity safeguards would effectively mitigate the impact of the proposal. It should be acknowledged that objections received have raised concerns on the grounds of noise pollution, air pollution/dust, debris on the highway and impact upon local amenity and these are discussed further in later paragraphs of this report. It is considered however, that the applicant has had regard to the other environmental and amenity issues to which such a proposal could potentially create or contribute and, in this instance, the proposals have not given rise to objections from the expert bodies of the Environment Agency, Highway Authority or the Environmental Health Officer. Consequently, it is considered that appropriate conditions are capable of being attached to any subsequent grant of planning permission and, as such, no significant detrimental impacts are anticipated as a consequence of this proposal.
- 7.14 Criterion f) requires proposals to have an acceptable programme for restoration allowing a high standard to be achieved. The Ecological and Landscape advisers have considered the proposal in terms of restoration and how it would 'sit' alongside the wider site. Both advisers are now satisfied with the principle of the restoration plan. Therefore, the proposal is considered to accord with criterion f) of 'saved' NYMLP Policy 4/1.
- 7.15 Criterion g) requires a high standard of aftercare and management of the land to be achieved. Accordingly, conditions to ensure that the detailed restoration scheme and aftercare management of the site are capable of being attached to a decision should any permission be granted. It is therefore considered that a high standard of aftercare and management of the site can be achieved ensuring that the proposal can be considered to comply with criterion g) of 'saved' Policy 4/1 of the NYMLP.
- 7.16 Insofar as criterion h) is concerned, acceptable transport links to move the mineral to market are sought. It is considered that the proposal would not increase the number of vehicle movements as the mineral output would largely remain the same as that associated with the wider site, due to no proposal for the intensification of use. As above, objections received refer to highway concerns, which are discussed in more detail in later paragraphs. It is noted that the Highway Authority, in their consultation response, did not seek to impose any limits. Therefore, given the aforementioned Highway Authority comments, it is considered that the proposal would not have a detrimental highway impact. Therefore, the proposal is considered to be compliant with criterion h) of 'saved' Policy 4/1 of the NYMLP.
- 7.17 Criterion i) seeks to ensure that any cumulative impact on the local area resulting from the proposal is acceptable. The cumulative impact of the proposal is considered to be

minimal because working is progressive and there would be no intensification of use as the quarrying progresses into the area beneath the soil storage mounds. The extraction of mineral in the area proposed would mean other mineral extraction on the existing, permitted site would cease. On this basis, it is considered that there would not be any significant cumulative impacts upon the wider site were mineral extraction operations being undertaken within this proposed area. The operational hours and methods would be consistent with those previously undertaken on the site, highways movements would remain consistent with those currently on site and so consequently, it is considered that the proposal would, if approved, be consistent criterion i) of 'saved' Policy 4/1 of the NYMLP.

Need

- 7.18 The applicant considers the area proposed for mineral extraction to be an appropriate location for further extraction. In terms of minerals supply and need, it should be noted that the Applicant is seeking to take optimum sand reserves in the interest of efficient & sustainable use of resource. In light of the proposed 100,000 tonnes of reserve proposed to be extracted within 12 months, it is considered that this would be a small contribution to the landbank and the need argument for extraction at this particular site has already been satisfied in the consideration of the original applications.
- 7.19 The emerging MWJP acknowledges the most recent extension of Hensall Quarry (C8/2016/0873/CPO) and states that the site is consistent with the broad geographical approach to the supply of aggregates and the provision of sand and gravel and could contribute to meeting requirements for the supply of sand over the Plan period (Policy M08) as evidence, "*including from the adjacent existing quarry*".

Landscape impact

- 7.20 Following a request for some additional information from the applicant, which was subsequently supplied, the County Council's adviser on landscape matters confirmed that there are no objections in principle, to the proposed development. Also stated is that in relation to noise and visual screening by straw bales, he has no objection to the principle as stated "*2.5m high and these will be placed the full length of the western boundary*", but recommended that the location should be shown on a plan, to demonstrate that the bale screening is suitably located to achieve the screening and that this will allow retention of existing trees and vegetation, to be maintained for the extraction and restoration phases. This plan was later submitted as part of the application documents and is proposed to be added into the 'approved documents' table under condition 2.
- 7.21 With exception of the nearby major highway infrastructure, the predominant landscape character is agricultural and the surrounding landscape is primarily characterised by a mixture of open arable fields. The site is not subject to any national or international ecological, landscape or heritage designations. Landscape and Visual Appraisals were carried out in respect of Planning Permissions C8/38/196/PA and C8/2016/0873/CPO. Whilst these covered many aspects of the proposed development, neither considered the implications of the current proposals in full. Accordingly, the proposed scheme has been appraised against the original criteria to determine whether it would result in any materially adverse impacts.
- 7.22 Whilst the Appraisal acknowledged that the proposed development would result in sand extraction moving some 100m closer to sensitive receptors, including Blue Pines and residents along Broach Road and Station Road, it also recognised that, as these operations would take place at or below ground level, they would be screened by existing trees and hedges. The Assessment also recognised that the existing soil stockpiles would be moved further away from these sensitive receptors and, as a consequence, would now be largely unseen. With regard to more distant views of the site, the Assessment concluded that the presence of the stockpiles would not be

prominent in the landscape and, in all probability, such views would be transitory, i.e. the receptor would be driving or travelling by train. With regard to the creation of the additional void as a consequence of sand extraction, the Assessment concluded that this would not alter the scale or nature of the Quarry so significantly such as to result in landscape impacts over and above those that had already been considered. The assessment concluded that there would be no significant adverse effects resulting from the proposal to extract sand from beneath the soil storage mounds (and the associated relocation of those mounds) and no additional effects that have not already been considered in support of the existing Planning Permissions for the site; albeit that activities would be undertaken in different parts of the Quarry.

- 7.23 The application site lies within the confines of an active sand quarry and, subject to restoration and aftercare requirements, it is considered that the proposal would not have long-term adverse effects on the characteristics of the local landscape. It is considered that the development, as proposed, would not have an unacceptable or harmful impact on the landscape character of the area and is capable of being subject to a restoration scheme and aftercare management rendering it consistent with the NPPF and capable of avoiding any significant conflict with 'saved' NYMLP policies 4/1, 4/18 and 4/20, draft policies D01 and D06 of the emerging NYMWJP.

Restoration and 'after-care'

- 7.24 It is proposed to limit the effect of operation upon the character and visual appearance of the local landscape and surrounding area through progressive restoration and landscaping. The approach is considered acceptable and also the best method for ensuring continuity of restoration.
- 7.25 Similar to other areas of the site, it is proposed to restore the area to low level agriculture, and this would be carried out in accordance with a scheme which was required under Condition 32 of Planning Permission C8/2016/0873/CPO; the control of which could be carried forward should planning permission be forthcoming in respect of this current proposal.
- 7.26 The aftercare of the site is secured under condition, details of which were approved on 10 July 2017 under planning permission ref. no. C8/2016/0873/CPO. The requirement for securing the 'after-care' of the site is in compliance with 'saved' Policy 4/6a and 4/20 of the NYMLP, which seek to ensure that sites are restored with appropriate 'after-care' secured to ensure high environmental standards and nature protection. This is considered to be consistent with the principles of the NPPF which seeks the effective restoration of mineral sites at the earliest possible opportunity and as outlined within Paragraph 205 of the NPPF. Therefore, it is considered that the proposed development remains acceptable in principle and is still considered to be a suitable scheme of working and restoration which would ensure that the final restored land achieves an appropriate standard for the proposed after-use. Proposed condition 34 refers to previously approved details under planning permission ref. no. C8/2016/0873/CPO and this has been amended slightly from the original permission to reflect the previous discharge of condition and now approved details, relating to details of protective fencing and stand offs for existing and new planting; details of maintenance during the 5 year aftercare period, and details of management post aftercare.
- 7.27 For the reasons detailed above, it is considered that the proposal to extract mineral from beneath the soil storage mounds and relocate those mounds would not result in any adverse impact upon the character of the area and would not prejudice the achievement of a suitable final restored landform which would have a positive impact. Therefore, the proposed development is considered to be consistent with the principles of the NPPF in relation to local landscape character as outlined within Chapters 11 and 15 of the Framework including paragraphs 118, 170, 175, 180 and the PPG in regards to the natural environment. It is also in compliance with the landscape and character

protection elements of 'saved' NYMLP Policies 4/1 (criteria f) & g)), 4/14, 4/18 and 4/20, draft Policy D10 of the emerging MWJP, policies SP15, SP18 and SP19 of the Selby District Core Strategy and 'saved' policies ENV1 and ENV2 of the Selby District Local Plan; all of which seek to ensure that the restoration of minerals sites and developments generally, would include landscape requirements to enhance the character and appearance of the site and local area, adding further weight in support of the application.

Ecological impact

- 7.28 The site is not in the immediate vicinity of any statutorily designated sites as the nearest site is more than a kilometre away. Natural England also confirmed no objection to the proposed development.
- 7.29 'Saved' NYMLP Policy 4/6a seeks to ensure that the determination of applications protects sites which have a nature conservation interest or importance; consistent with the aims of the NPPF on matters of ecology and biodiversity. It is acknowledged that the applicant has undertaken an ecological walkover survey as part of this application. The survey concludes that no protected species or priority habitats would be impacted, other than the presence of Sand Martin nests on the southern section of the boundary to the western grassland which is proposed to be excavated.
- 7.30 The County Council's adviser on matters of ecology has considered the proposal and confirmed that he is assured of the conclusions of the survey, which also states that there is plentiful alternative nesting habitat for Sand Martins within the quarry, but that it is important to avoid disturbance of this species when nesting, and therefore agrees that the recommendations and mitigation as proposed in the survey are adhered to.
- 7.31 The proposal is therefore considered to be compliant with the environmental protection element of 'saved' NYMLP policies 4/1 and 4/14 and the wildlife habitat protection element of 'saved' NYMLP Policy 4/6A, as well as Policy ENV1 of the Selby District Local Plan and the protection of locally protected nature conservation element of Policy SP18 of the Core Strategy in terms of the proposal's ability to also contribute positively in an economic sense to the local economy.
- 7.32 Furthermore, 'saved' NYMLP Policy 4/6a includes the requirement for the County Council as 'Mineral Planning Authority to protect the nature conservation or geological interest or importance'. Given the site does not fall within a designated SSSI or similar, it is considered that the requirements of 'saved' NYMLP Policy 4/6a have been considered through the proposals and associated restoration which have been proposed.

Archaeology/Cultural Heritage

- 7.33 The Planning Statement includes a section on Archaeology/Cultural Heritage, which provides a summary of the previous archaeological work at the wider quarry which has taken the form of an incremental strip, map and record excavation over a number of years. This has revealed a landscape of later prehistoric and Roman period settlement and field enclosures, along with trackways, watering holes and associated artefacts.
- 7.34 The area of the site where the soils are currently stored has not been the subject of previous archaeological investigation. The County Council's Archaeologist requests a condition (proposed condition 5) be imposed that requires a scheme of archaeological mitigation recording is undertaken as part of the ground-disturbing works associated with the relocation of the soils. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works and top soil stripping, to be followed by appropriate analyses, reporting and archive

preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

- 7.35 It is considered that the proposed mitigation measures, capable of being secured by condition, would ensure the absence of any significant detrimental harm to the historic environment. Whilst also considering that the proposal would not materially affect the setting of the Church of St Paul, which is located approximately 235 metres South West of the site. Consequently, the proposal is not only considered to be consistent with the NPPF, but also compliant with 'saved' Policy ENV1 of the Selby District Local Plan.

Pollution Control

The water environment

- 7.36 Under 'saved' NYMLP Policy 4/10, proposals will only be permitted where they would not have an unacceptable impact on surface or groundwater resources. This 'saved' policy is reflected in the general provisions of the NPPF which aim to prevent new development from contributing to unacceptable levels of soil, air or water pollution. The Environment Agency has confirmed no objection, and requested a condition be imposed that requests a Construction and Environmental Management Plan. The Plan would be supported by detailed calculations and include a programme for future maintenance. This is proposed to be a pre-commencement condition, which is considered warranted in the interests of protecting controlled waters.
- 7.37 On the basis of the information available and the responses received, it is not considered that the proposal would have a detrimental impact upon the groundwater quality below the proposed quarry floor. It is therefore considered that the proposal is consistent with the general thrust of the relevant policies within the NPPF and emerging draft Policy D09 of the emerging MWJP, and is compliant with 'saved' NYMLP Policy 4/10, Policy SP18 of the Selby District Core Strategy and 'saved' Policy ENV1 of the Selby District Local Plan.

Noise

- 7.38 It is acknowledged that noise was raised as a concern in objections received, from local residents and the Planning Statement seeks to explain the matter of noise on site. Noise and Vibration Assessments were carried out in respect of Planning Permissions C8/38/196/PA and C8/2016/0873/CPO. Whilst these covered many aspects of the proposed development, neither considered the implications of the current proposals in full. Accordingly, the proposed scheme has been assessed against the original criteria to determine whether it would result in any materially adverse impacts.
- 7.39 The new Assessment considered the potential for worst-case operational noise levels to give rise to impacts at the nearest noise-sensitive receptor locations to the proposed area of mineral extraction and relocated soils stockpile storage areas. The Assessment concluded that screen mound removal, soil stripping and soils and overburden handling operations, which would be undertaken for a period of approximately three weeks, would remain well within the 70dB $L_{Aeq,1hr}$ nominal noise limit for temporary operations as described in the PPG.
- 7.40 It further concluded that if day to day operations were to be undertaken behind the working face wherever possible, then worst-case predicted noise levels would meet the noise limits derived in accordance with the PPG, i.e. background plus 10dB, at all receptors assessed. Based on the operational activities described and the application of good site management practices, the Assessment considered that the proposed development could be carried out without causing significant adverse impacts at the nearby receptors.

- 7.41 Neither Selby District Council (Planning) nor the Environmental Health Officer of Selby District Council (subject to conditions regarding the control of noise levels and the control of hours of operation; namely proposed conditions 12 and 14) have raised objections to the proposal. The EHO confirmed that the noise from the extended quarry area would meet the requirements of the existing conditions to control noise from the operations.
- 7.42 It is therefore considered that conditions exist that are capable of being imposed regarding undertaking the development in accordance with the noise impact assessment, the control of noise levels and the control of hours of operation, such that there will be no unacceptable impacts on local amenity from the proposed development. This therefore accords with the points regarding noise set out within draft emerging Policy D02 of the MWJP and Policy SP19 of the Selby District Core Strategy Local Plan, and in terms of 'saved' NYMLP Policy 4/14, the proposal would not create an unacceptable impact on residential amenity. The development would also accord in that respect with NPPF paragraphs 170 and 205 and the guidance in the PPG.

Local amenity – hours of operation and dust control

- 7.43 It is acknowledged that concerns were raised in the three objections received, regarding dust from the site. The conclusions of the Dust Assessment carried out in respect of Planning Permission C8/38/196/PA are applicable to the area which is the subject of this application. The Assessment identified three potential sources of dust generation:
- Movement of vehicles along unsurfaced roads;
 - Excavation and screening of mineral prior to export off site, and;
 - Soil stripping and spreading.
- 7.44 It is acknowledged that all three of the above elements of the proposed development would approach closer to receptors, principally Blue Pines and properties on Broach Road and Station Road. The Assessment concluded that these receptors would experience a moderate magnitude of effect when the wind was blowing towards them. However, meteorological data for the site shows that the number of days when this is likely to occur is typically two per year. Given the infrequency of this event, the significance of the impact of dust is assessed to be low or minor.
- 7.45 The Dust Assessment carried out in respect of Planning Permission C8/2016/0873/CPO considered dust emissions from quarrying operations and exhaust gas emissions from haulage vehicles. The assessment looked at existing background emissions levels, local meteorological data and identified local sensitive receptors. The Proposed Development would not affect the conclusions of this Assessment. For example, with regard to vehicle exhaust emissions, the assessment found that the low level of predicted vehicle movements (which would continue) was below the EPUK screening threshold and therefore as the impact was deemed to be insignificant, no detailed assessment was necessary. Both Assessments concluded that, with mitigation applied, the impacts were predicted to be negligible and therefore insignificant and it is considered that these conclusions are applicable to the proposed development.
- 7.46 The working scheme, methods of extraction, mitigation and restrictions would remain unchanged from that already in place for the quarry. It is also noted that, as discussed above, the Environmental Health Officer has not returned any objection to the proposal.
- 7.47 On balance, it is considered that the proposal is consistent with the guidance contained with relevant Planning Practice Guidance and compliant with the amenity protection elements of 'saved' NYMLP Policy 4/14, and 'saved' Policy ENV1 of the Selby District Local Plan and Policy SP18 of the Selby District Core Strategy. It accords with the requirements regarding amenity in draft Policy D02 of the emerging MWJP and Paragraph 205 of the NPPF; all of which seek to protect amenity, ensuring that there

are no significant effects upon amenity arising from developments, adding further weight in support of the application.

Highways matters - traffic and transport

- 7.48 It is acknowledged that debris on the highway was raised as a concern in objections received. The site has historically been accessed by road from Heck Lane, off the A645. There would be no intensification of use and the mineral working is progressive and therefore the HGVs movements would proceed unchanged from that currently experienced on the local highway network. There is a vehicle limit of 210 per week (105 in, 105 out) and it is proposed to carry this forward. Proposed condition 11 also requires that the vehicle cleaning facilities already used on site, be used going forward to ensure that the access and highway are kept clear of debris. This would ensure that the proposed development does not result in any adverse impacts upon the local highway network, in line with the principles of the NPPF in relation to sustainable highway networks and the highway elements of 'saved' NYMLP policies 4/1 and 4/13 and 'saved' Policy ENV1 of the Selby District Local Plan, which seek to ensure that vehicle movements generated by developments are both capable of being accommodated by, and would not have an adverse effect upon the local highway network, adding further weight in support of the application.
- 7.49 The Highway Authority and Highways England both confirmed no objections to the proposed development. Furthermore, it is considered that the continued use of the existing quarry access would not impact upon the local highway network or residential amenity and it is therefore considered that the proposed development, specifically regarding highways matters is in accordance with 'saved' Policy 4/1 and 'saved' Policy 4/13 of the NYMLP, draft Policy D03 of the emerging MWJP and 'saved' Policy T1 of the Selby District Local Plan (2005) and paragraphs 108 and 109 of the NPPF.

Flood risk and drainage

- 7.50 The Hydrological Assessment carried out in respect of Planning Permission C8/2016/0873/CPO considered the hydrological characteristics of the site and sand extraction. The baseline assessment identified one potential receptor which could be vulnerable to impacts from development at the Quarry. The receptor was identified under 'changes to flow rate and water volume', whereby sand extraction might impact on the floodplain associated with the River Aire (Main River). However, this was classed as having a negligible sensitivity to environmental impacts, given that the potential loss of floodplain through the construction of earth bunds (for acoustic and visual impact mitigation) would be negligible within the wider floodplain.
- 7.51 Mitigation measures were proposed to reduce the potential effects on hydrology, flood risk and surface water runoff both to the site and to the surrounding environment. With regard to mitigating site flooding, these measures included setting welfare facilities 0.6m above ground level and anchoring them to the ground, and preparing a Flood Evacuations and Management Plan (FEMP) for the wider quarry. With regard to mitigating site drainage, these measures included managing any surface water through infiltration and a settling pond and ensuring that foul water from the welfare facilities was removed from site. With regard to mitigating potential pollution, these measures included preparing a Construction Environmental Management Plan to ensure that the operational phase of the Proposed Development was carried out in accordance with CIRIA and Environment Agency recommended practices.
- 7.52 The original assessment concluded that subject to the implementation of the mitigation measures, sand extraction and relocation of the soil storage stockpiles would have no significant impacts on hydrology, flood risk, drainage, water quantity and quality.

- 7.53 The Applicant has since undertaken a new Flood Risk Assessment (March 2021), which confirms the same findings as previous. The new assessment considered previous FRAs for the site which included an assessment of the existing hydrological characteristics of the site, the potential impacts of the Proposed Development, and has confirmed that the previously proposed and implemented mitigation measures to minimise any adverse impacts identified are sufficient. It is therefore considered that the findings of the previous HRAs still hold true and that previously proposed mitigation and enhancement measures would reduce the significance of potential impacts of the proposed development on the hydrology of the site to negligible.
- 7.54 This is further affirmed by the consultation response from the Environment Agency, which confirmed no objection to the development. It is therefore considered that the development would therefore not increase the risk of flooding, and furthermore that the proposal is consistent with the general thrust of the relevant policies within the NPPF and compliant with 'saved' NYMLP Policy 4/10, Policy SP18 of the Selby District Core Strategy and 'saved' Policy ENV1 of the Selby District Local Plan.

Economic Growth and Employment

- 7.55 The Applicant has affirmed that there are a number of employees on site, whose jobs would remain secured should planning permission be granted. Selby District Core Strategy Policy SP13 seeks to encourage sustainable development in rural areas, which brings sustainable economic growth through local employment opportunities or expansion of businesses; specifically, where a particular development is appropriate in scale and type to its location, does not harm the character of the area, and seeks a good standard of amenity. It is considered that the proposed development meets the objectives of this policy in providing employment through sustainable development in an appropriate location which is of scale.

Climate Change

- 7.56 It is inevitable that habitat would be removed as a result of the proposed sand extraction operations. The habitats recorded at the site during the ecological surveys are all common and widespread within a local and national context. No nationally rare or nationally scarce plant species or species of Principal Importance or Selby Action Plan Priority Species were recorded on site; nor were any protected species recorded at the site. The proposed restoration scheme would progressively establish at the site consisting of low level agricultural land.
- 7.57 It is considered that the development would not increase the risk of flooding, as discussed above, subsequently not posing a significant risk to climate change and therefore is compliant with Policy SP15 of the Selby District Core Strategy which relates to Sustainable Development and Climate Change (see Section 6.0 above for summary of Policy) and paragraph 149 of the NPPF.

8.0 Conclusion

- 8.1 As referred earlier within this report, under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting position for the determination of this planning application must be the '*Development Plan*' and it must be made in accordance with the extant policies of that plan, unless there are material considerations, including any impacts upon interests of acknowledged importance that would indicate that planning permission should not be forthcoming. The assessment of material considerations within the overall '*planning balance*' has been conveyed within Section 7.0 above.
- 8.2 In this particular instance, there are a range of policies in the '*Development Plan*' to which due regard must be had, as well as a number of other material considerations.

In considering the relationship of the proposals to the '*development plan*', Members should note that proposals should be judged against the '*development plan*' as a whole rather than against individual policies in isolation and acknowledge that it is not necessary for proposals to comply with all policies to be found compliant. Members will also need to bear in mind the relative weight to be attached to the applicable policies in the various elements of the '*development plan*' relevant to this proposal against that which is laid down within national planning policy (Section 6.0 refers).

- 8.3 Following the considerations set out in Section 7.0 above, it is considered that the proposal complies with the development plan in terms of what the relevant policies set out in Section 6.0 of this report seek to achieve. It is considered that the impacts would be minimal in the long term and therefore it is considered that there is no evidence to suggest that the proposal conflicts with any policies of the development plan, nor does it run contrary to any national policy. As discussed above, various mitigation measures and planning conditions are proposed to control the development in a manner which deems it acceptable.
- 8.4 The proposed development would ensure a continuity of mineral supply to the landbank.
- 8.5 Other material considerations that must weighed in the '*planning balance*' have been considered in the preceding section of this report such as impacts upon the environment and the amenity enjoyed by the local community. These, while acknowledged to be impacts arising from the proposed development and understandably of concern to local residents living near the proposed site, are not considered to be significantly material so as to outweigh the economic benefits of the sustainable development and to be so sufficient as to warrant a determination that the application lies in conflict with the '*development plan*' to such a degree as to justify refusal of the application.
- 8.6 It is therefore considered that there are no material planning considerations to warrant the refusal of this application for the variation of condition No's 2, 10 & 34 of Planning Permission C8/38/196A/PA to permit the relocation of the soil storage area (Soil Storage Plan – Appendix C) and extraction of sand from the previous soil storage area.

Obligations under the Equality Act 2010

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

Obligations under the Human Rights Act

- 8.8 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic

wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 8.9 Having had due regard to the Human Rights Act, the relevant issues arising from the proposed development have been assessed as the potential effects upon those living within the vicinity of the site namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes, and considering the limited interference with those rights is in accordance with the law, necessary and in the public interest.

9.0 Recommendation

9.1 For the following reason(s):

- i) The development is in accordance with the 'saved' policies 4/1, 4/6a, 4/10, 4/13, 4/14, 4/18 and 4/20 of the North Yorkshire Minerals Local Plan (1997), with draft policies M08, D01, D02, D03, D06, D09 and D10 of the emerging Minerals and Waste Joint Plan, with policies SP1, SP13, SP15, SP18 and SP19 of the Selby District Core Strategy (2013) and with 'saved' policies ENV1, ENV2 and T1 of the Selby District Local Plan (2005) those of which have been discussed in this report, and is consistent with the NPPF (2019);
- ii) The proposal does not conflict with the abovementioned policies as it is considered that the existing highway network is capable of handling the volume of traffic generated by the development, the visual impact of the proposed development can be mitigated through conditions, the environmental impacts of the proposed development can be controlled by conditions, the impact on any neighbouring residential properties can be mitigated and any adverse impacts are outweighed when considered against the proposed infrastructure, markets and employment at the site along with the final completion of restoration proposals and there are no other material considerations indicating a refusal in the public interest; and
- iii) The imposition of planning conditions will further limit the impact of the development on the environment, residential amenity the transport network and restoration and aftercare.

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

Conditions:

Commencement, duration and definition of development

1. The development hereby granted authorise the extraction of minerals only until 15 June 2031. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with conditions numbers 32, 33 and 34 before that date or within such longer period as may be approved in writing by the County Planning Authority.

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

2. The development hereby permitted shall be carried out in accordance with the application details dated 29 March 2005 and as amended by the following correspondence and submissions:

Letter from Robert Long dated 12th January 2006
 Letter from Robert Long dated 23rd November 2005
 Letter from Robert Long dated 11th November 2005
 Letter from Robert Long dated 3rd November 2005
 Letter from Robert Long dated 24th October 2005
 Planning Application to revise Planning Conditions 2, 10 and 34 dated February 2020

and the approved documents and drawings listed in the table below and the following conditions which at all times shall take precedence or in accordance with such other details as may be subsequently approved in writing by the County Planning Authority:

Ref.	Date	Title
		<i>Details approved on 10 July 2017 under NY/2017/0115/A27 as follows:</i>
DQL-H-102	April 2017	Tree Protection Plan
DQF 107	March 2013	Environmental Monitoring Programme
DQF 108	March 2013	Environmental Control Register
DQF 039	Sept 2012	Environmental Monitoring Record
DQF 037	Nov 2012	Environmental Training Record
DQF 040	Nov 2012	Environmental Monitoring Record Book
---	Jan 2012	Carbon Management Plan
SHF.516.001.GE.R.001.A	April 2017	Environmental Drilling Report
		<i>Submission under NY/2020/0050/73:</i>
---	Feb 2020	Planning Supporting Statement
DQL/HSS/02	Feb 2020	Site Location and Planning Application Boundary
DQL/HSS/03	Feb 2020	Method of Working
DQL/HSS/05	Nov 2020	Area of Vegetation and Hedgerow to be Protected During Workings
DQL/HSS/06	Nov 2020	Soil Store Locations
1237-005-ENZ-XX-XX-DR-L-00-001	August 2020	Illustrative Restoration Plan
1237-005-ENZ-XX-XX-DR-L-00-002 (rev PL02)	August 2020	Restoration Phasing Plan
1237-005-ENZ-XX-XX-DR-L-15-001	Sept 2020	Soils Plan
1237-005-ENZ-XX-XX-DR-L-45-001	August 2020	Restoration Planting Plan
MAN.1237.003.EC.R.001	17 July 2020	Ecology Walkover Assessment
DQL/HSS/10	March 2021	Showing Sand Extraction and Soil Storage Area

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

Limitations of the development

3. No other minerals, waste or other material shall be stored within or imported to the site without the prior written approval of the County Planning Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity.

Access

4. Access to the site shall be via the existing access and no other access shall be used. The access road from the site to the public highway shall be kept clean and in a safe

condition. The access road shall be maintained in a good standard of repair, free of potholes for the life of the operations.

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

Archaeology

5. Prior to the relocation of soils for the purposes of this planning permission, a Written Scheme of Investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording
 - b. Community involvement and/or outreach proposals
 - c. The programme for post investigation assessment
 - d. Provision to be made for analysis of the site investigation and recording
 - e. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - f. Provision to be made for archive deposition of the analysis and records of the site investigation
 - g. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In the interests of archaeology.

6. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 5.

Reason: The site is of archaeological interest.

7. Within 6 months of completing the archaeological field investigations, a report which shall comprise of an assessment of the archaeological remains recovered from the site and an outline of the subsequent programme of analyses, publication (including a date for publication) and archiving, shall be submitted to and approved in writing by the County Planning Authority. The programme of analyses, publication and archiving shall thereafter be carried out in accordance with the details thus approved, and in accordance with a timetable agreed in writing with the County Planning Authority.

Reason: The site is of archaeological interest.

Traffic

8. All HGV's visiting/leaving the quarry shall do so via New Road and Broach Road (A645) to the south. All HGV's leaving the site will turn right.

Reason: In the interests of highway safety.

9. The total number of HGV vehicle movements associated with the mineral extraction shall not exceed 210 per week (105 in, 105 out).

Reason: In the interests of highway safety and amenity.

Safety

10. Excavation of the quarry shall take place in accordance with details contained in drawing number 1237-005-ENZ-XX-XX-DR-L-00-002 to ensure sufficient standoff from the public highway and railway, any resulting embankment shall have a maximum gradient of 1 in 3 to the horizontal and shall be maintained in a stable condition. The stand off between excavations and the railway boundary shall be maintained at 30

metres and no overburden or soils shall be tipped or any buildings erected or haul road operated within 15 metres of the railway boundary. All plant and machinery must be so positioned and used to prevent the accidental entry onto railway property of such plant, machinery or loads attached thereto, in the event of failure.

Reason: In the interests of safety.

Vehicle Cleaning Facilities

11. The development shall be carried out in accordance with the details previously approved on 10 July 2017 under planning permission ref. no. C8/2016/0873/CPO, for the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site and these precautions shall be kept available and in full working order until such time as the County Planning Authority agrees in writing to their withdrawal.

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Hours of Operation

12. No quarrying or associated operations shall take place except between the following times 07.30-17.30 hours Monday to Friday, 07.30-13.00 hours Saturday and no machinery maintenance shall take place except between the hours of 07.30-17.00 Monday to Friday, 07.00 – 15.00 Saturday. Machinery maintenance carried out after 13:00 on a Saturday shall not be audible at the boundary of noise sensitive properties. No quarrying or associated operations, including machinery maintenance, shall take place on Sundays or Bank and Public Holidays.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity.

Noise and Dust

13. All plant, machinery and vehicles used on any part of the site shall be fitted with effective noise attenuating equipment which shall be regularly maintained. Where earthmoving plant is operating in proximity to residential properties, non-audible reverse or white noise warning alarm systems shall be deployed.

Reason: In the interests of amenity.

14. The equivalent continuous noise level due to operations at the quarry during day time hours (0700-1900) shall not exceed the background noise level (LA90) by more than 10dB(A) at any residential premises. Measurements shall be hourly LAeq measurements and be corrected for the effects of extraneous noise.

Reason: In the interests of amenity.

15. In the event that any noise levels specified in Condition 14 are exceeded, those operations at the site causing the excessive noise shall cease immediately and steps taken to attenuate the noise level to ensure compliance with the provisions of Condition 14.

Reason: In the interests of amenity.

16. Notwithstanding the noise limits imposed within Condition 14 a temporary daytime noise limit of up to 70 dB(A) LAeq,1hour (free-field) at any residential premises 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 and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance.

Reason: In the interests of amenity.

17. The development shall be carried out in accordance with the details previously approved on 10 July 2017 under planning permission ref. no. C8/2016/0873/CPO, for the scheme to control and monitor noise from the operations and the approved control measures shall be implemented and maintained in accordance with the approved scheme.

Reason: In the interests of amenity.

18. The operator shall monitor noise levels due to operations at the quarry and background noise levels as requested in writing by the County Planning Authority and shall forward the details of the monitoring to the County Planning Authority within 14 working days of carrying out the monitoring.

Reason: In the interests of amenity.

19. Steps shall be taken to ensure that the site is operated at all times, and in particular during periods of high winds, to minimize dust emissions.

Reason: In the interests of amenity.

20. The development shall be carried out in accordance with the details previously approved on 10 July 2017 under planning permission ref. no. C8/2016/0873/CPO, for the scheme to control and monitor dust from the operations and shall be implemented and maintained in accordance with the approved scheme.

Reason: In the interests of amenity.

21. In the event that an assessment of dust emissions in accordance with the details approved under Condition No. 17 indicates that additional control measures are required to minimise emissions, proposals for such measures shall be submitted in writing to the County Planning Authority. The measures subsequently approved in writing by the County Planning Authority shall be implemented within such period as may be required by the County Planning Authority.

Reason: In the interests of amenity.

Drainage and Pollution

22. Throughout the period of working, restoration and aftercare the operator shall:
- a) shall not impair the flow or render less effective drainage onto and from adjoining land,
 - b) provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there shall be no pollution or other defined adverse effect on watercourses by the approved operations.

Reason: To prevent damage and pollution to ground water resources, watercourses and off-site drainage including that of agricultural land.

23. Any facilities for the storage of oils, fuels, chemicals other potential pollutant shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund. The floor and walls of the bunded areas shall be impervious to both water and oil. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there

is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of watercourses, aquifers and the soil resource.

Site Maintenance

24. From the commencement of development until completion of aftercare, the operator shall make and maintain stock-proof the perimeter hedges, fences, and walls. Where the site boundary does not coincide with an existing hedge, fence or wall, the operator shall provide and maintain stock-proof fencing where necessary until completion of aftercare.

Reason: To protect the welfare of livestock kept within the permitted site and on adjoining agricultural land.

25. All undisturbed areas of the site and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from agriculturally noxious weeds. Cutting, grazing or spraying shall be undertaken, as necessary, to control plant growth and prevent the build-up of a seed bank of agricultural weeds or their dispersal onto adjoining land.

Reason: To prevent a build-up of weed seeds in the soil that are harmful to agriculture.

Buildings and Structures

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any other order revoking and re-enacting that Order), prior to the erection of any plant or buildings at the site full details shall be submitted to the County Planning Authority for their written approval. No plant or buildings shall be erected except in accordance with details approved in writing by the County Planning Authority.

Reason: To reserve the rights of control by the County Planning Authority in the interests of amenity.

Depth of Working

27. The development shall be carried out in accordance with the details (Environmental Drilling Report, ref. SHF.516.001.GE.R.001.A) previously approved on 10 July 2017 under planning permission ref. no. C8/2016/0873/CPO, relating to groundwater level monitoring proposals for each phase of the site.

Reason: To increase the understanding of the groundwater regime of the site and to protect groundwater because the site is located on a principal aquifer and within a source protection zone.

28. Excavation shall be carried out in accordance with the working depths agreed under condition 27.

Reason: To protect controlled waters.

29. Prior to the relocation of soils subject to this planning permission, a Construction and Environmental Management Plan shall be submitted to, and approved in writing by, the local planning authority in consultation with the Environment Agency. The scheme

shall, where necessary, be supported by detailed calculations and include a programme for future maintenance. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the local planning authority.

Reason: This is a pre-commencement condition and one which is considered warranted in the interests of protecting controlled waters.

Protected Species

30. Trees and vegetation which may support nesting birds should not be removed during the bird nesting season, which is generally taken to be 1st March to 31st August.

Reason: in order to prevent disturbance to nesting birds which are protected by the Wildlife and Countryside Act 1981 (as amended).

31. Prior to any felling of trees identified as having potential to support roosting bats the tree(s) must be checked for roosting bats by a suitably qualified ecologist. Where necessary, following this check, the trees shall be section felled with the timber left on the ground for a short period following the felling.

Reason: This is to ensure that bats have not moved into the trees in the interim period between survey and felling.

Restoration

32. Restoration shall be carried out in accordance with the following approved plans:-
- Illustrative Restoration Plan, ref. 1237-005-ENZ-XX-XX-DR-L-00-001 rev. PL01 dated 18 August 2020;
 - Phasing Plan, ref. 1237-005-ENZ-XX-XX-DR-L-00-002 rev. PL01 dated 18 August 2020;
 - Soils Plan, ref. 1237-005-ENZ-XX-XX-DR-L-15-001 rev. PL01 dated 29 September 2020;
 - Restoration Planting Plan, ref. 1237-005-ENZ-XX-XX-DR-L-45-001 rev. PL02 dated 18 August 2020.

Reason: In the interests of visual amenity and achieving a good standard of restoration.

Restoration – Planting and Seeding

33. The site shall be restored progressively and managed for agriculture and nature conservation purposes in accordance with the drawings detailed under condition number 32. Planting shall be carried out in accordance with drawing number , ref. 1237-005-ENZ-XX-XX-DR-L-45-001 rev. The planting shall be protected and maintained throughout the duration of the operational period, and thereafter as part of restoration aftercare.

Reason: In the interests of visual amenity and to assist in absorbing the site back into the local landscape.

Restoration – Aftercare and Management of Planting

34. The details previously approved on 10 July 2017 under planning permission ref. no. C8/2016/0873/CPO, relating to details of protective fencing and stand offs for existing and new planting; details of maintenance during the 5 year aftercare period, and details of management post aftercare shall be strictly adhered to. Planting and wildflower areas shall be managed and maintained in accordance with the approved scheme or in accordance with such other scheme as may be subsequently approved in writing by the County Planning Authority. Planting shall be protected against damage, failures shall be replaced during the subsequent planting season and planted

areas managed in accordance with the rules and practice of good forestry during the period of this permission and thereafter for a period of five years from the completion of the development.

Reason: In the interests of visual amenity and to assist in absorbing the site back into the local landscape.

General Conditions on Soils

35. All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with the previously approved details under planning permission reference C8/2016/0873/CPO dated 7th February 2017.

Reason: To prevent loss or damage of soil, or mixing of topsoil with subsoil; or subsoil with overburden; or mixing of dissimilar soil types.

36. Topsoil and subsoils shall only be stripped when they are in a dry, friable and unfrozen condition.

Reason: To prevent damage to soils by avoiding movement whilst soils are wet or excessively moist and as such does not meet the defined criteria.

37. With the exception of soil stripping in order to create the initial excavation area following stripping all topsoils, subsoils and soil making materials shall where possible be utilized for restoration; where this is not reasonably practicable they should be stored.

Reason: Directed replacement of soil without storage is normally beneficial.

38. All topsoil and subsoil shall be permanently retained on site and used in restoration in accordance with the previously approved details under planning permission reference C8/2016/0873/CPO dated 7th February 2017.

Reason: To prevent loss of soil needed for restoration and offset shortfalls of soil by utilizing suitable geological material and to ensure the development.

39. No plant or vehicles shall cross any area of unstripped topsoil or subsoil, stored soil, respread soil or ripped ground except where such trafficking is essential and unavoidable for the purposes of undertaking permitted operations. At all times when topsoil or subsoil remain unstripped or respread on any working phase, the essential trafficking routes shall be marked in such a manner as to give effect to this condition.

Reason: To prevent unnecessary trafficking of soil by heavy equipment and vehicles as this may damage the soil.

Soil Stripping

40. Topsoil and subsoil shall each be stripped separately to their full depth, taking care that they do not mix.

Reason: To prevent the loss of soil and minimize damage to soil structure during storage.

Storage of Soils

41. All topsoil and subsoil shall be stored in separate mounds which do not overlap. Such mounds:
- i. shall be located in the positions identified on drawing ref. DQL/HSS/03;
 - ii. shall not exceed 3m in height for topsoil;
 - iii. shall be constructed with a minimum of soil compaction necessary to ensure stability and so shaped as to avoid collection of water in surface undulations;

iv. shall have a minimum 3.0m stand-off which shall be undisturbed around storage mounds.

Reason: To prevent the loss of soil and minimize damage to soil structure during storage.

42. All storage mounds that will remain in situ for more than 3 months, or over winter, shall be seeded with a low maintenance wildflower mix and managed in accordance with a scheme to be submitted to, and approved by, the County Planning Authority before soil stripping and storage mound construction is due to commence.

Reason: To protect mounds from soil erosion, prevent build-up of weed seeds in the soil and remove vegetation prior to soil replacement.

43. Within 3 months of completion of soil handling operations in any calendar year, the County Planning Authority shall be supplied with a Soil Resource Plan showing:
- a) the area stripped of topsoil and subsoil;
 - b) the current location of each soil storage mound (topsoil and subsoil identified separately); and
 - c) the quantity, height, gradient and nature of material in each storage mound.

Reason: To facilitate soil stock-taking and monitoring of soil resources.

Replacement of Soils

44. Restoration shall be carried out in accordance with approved drawings detailed under condition 32 and overburden shall be replaced and leveled so that:
- a) after replacement of topsoil and subsoil and after settlement, the contours conform with those detailed on the restoration masterplan under condition 32; and
 - b) there is satisfactory site and surface drainage, the fields being free from ponding and capable of receiving an effective artificial under-drainage system; and
 - c) agricultural machinery is not unduly restricted, erosion is minimized and gradient does not exceed 7 degrees.

Reason: To ensure adequate surface drainage and to enable an effective under-drainage scheme to be installed. Excessive slopes increase risk of soil erosion, and also hinder use of agricultural machinery.

45. Prior to respreading of subsoil or topsoil, the upper 500mm of the surface shall be where compacted, ripped at a spacing of 500mm or closer to remove materials capable of impeding normal agricultural and land drainage operations including mole ploughing or subsoiling. Stones, materials and deleterious objects which exceed 200mm in any dimension and occur on the surface of the ripped and loosened ground shall be removed from the site or buried at a depth of not less than 2 metres below the final pre-settlement contours. The County Planning Authority shall be notified when this condition has been fulfilled and given at least 2 working days to inspect the area before further restoration of this part is carried out.

Reason: To reinstate and treat overburden, soil making materials, subsoil and topsoil so as to provide 1.2 metres depth of material that is free from objects that will seriously impede cultivation, subsoiling or installation of underdrainage. Also to fissure compacted layers of soil so as to facilitate drainage and plant root growth.

46. Subsoil shall be:
- a) only spread onto ground upon completion of the works required by condition 45;
 - b) spread in layers not exceeding 450mm in thickness, to a depth equal to that stripped, unless agreed otherwise in writing by the County Planning Authority.

Reason: To restore subsoil to the best potential condition.

47. Only low ground pressure machines should work on re-laid topsoil or subsoil to replace and level topsoil. Wherever practicable topsoil shall be lifted onto subsoil by equipment that is not standing on either re-laid topsoil or subsoil.

Reason: To avoid compaction of the topsoil and upper subsoil.

48. Topsoil shall be carefully and evenly respread to a depth equal to that stripped.

Reason: Minimum depth specified to safeguard land quality.

49. The respread topsoil shall be rendered suitable for agricultural cultivation by ripping and loosening:

- a) to provide loosening equivalent to a single pass of a single tine spacing of 500mm or closer,
- b) to full depth of the topsoil plus 100mm,
- c) and any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

Reason: To remove compaction and lift stone to the surface for removal.

50. The County Planning Authority shall be notified in writing within 2 days of completion of the works described in condition 49 and given an opportunity to inspect the completed works before the commencement of any cultivation operations.

Reason: To provide sufficient notice for site inspection.

51. Any area of the site which is affected by surface ponding or by local settlement caused by the approved operations shall be re-graded to resolve the problem, if required by the County Planning Authority. Topsoil, subsoil and other overburden moved in the course of re-grading shall not be mixed and shall be handled and replaced in accordance with the above conditions.

Reason: To deal with differential settlement when required.

Agricultural Aftercare

52. All areas delineated as Agricultural/Amenity Grassland on the restoration plans detailed under condition 32 shall undergo agricultural aftercare management for a 5 year period. The date for the aftercare period commencing in a phase shall be first agreed in writing with the County Planning Authority on completion of restoration in that phase.

Reason: To bring the land to the required standard for agricultural use.

53. Before the end of March and every subsequent year during the aftercare period the mineral operator shall provide the County Planning Authority, with a detailed annual programme, for written approval by the County Planning Authority this shall include;

- a) a record of aftercare operations carried out on the land during the previous 12 months;
- b) proposals for managing the land in accordance with the rules of good husbandry including planting, cultivating, seeding, fertilizing, draining, watering or otherwise treating the land for the forthcoming 12 months.

Reason: To bring the land to the required standard for agricultural use.

54. Before the end of April of every year during the aftercare period, a site meeting shall be arranged by the mineral operator, to which the County Planning Authority should be invited, to discuss the restoration and aftercare of the site in accordance with the scheme submitted under Condition number 53. This meeting shall be attended by the person(s) responsible for undertaking the aftercare steps.

Reason: To allow inspection and appraisal of the site to ensure its rehabilitation to agriculture within the aftercare period, and to ensure that a suitable regime of agricultural husbandry is pursued. This will be achieved by assisting the soil structural development, preventing damage to soils and installing the infrastructure (eg. underdrainage) necessary to bring land to the required standard for agriculture.

55. Aftercare operations shall be carried out in accordance with the with the previously approved details under planning permission reference C8/2016/0873/CPO dated 7th February 2017.

Reason: To ensure that a suitable regime of agricultural husbandry is pursued. This will be achieved by assisting the soil structural development, preventing damage to soils and installing the infrastructure (eg. underdrainage) necessary to bring land to the required standard for agriculture.

Abandonment

56. In the event of extraction of mineral ceasing on the site for a period in excess of 12 months before the completion of the development hereby permitted, a revised scheme of restoration and landscaping shall be submitted to the County Planning Authority for written approval within 6 months of the cessation. The approved scheme shall be implemented in accordance with a programme to be included in that scheme.

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

Annual Meeting

57. Every 12 months from the date of this permission or at such other times as may be agreed in writing with the County Planning Authority, a review of the previous year's landscaping, working, restoration and aftercare shall be carried out in conjunction with a representative of the County Planning Authority. The review shall take account of any departure from the schemes approved under Conditions 32 and 34 and a revised scheme 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 including the replacement of any tree or shrub which may have died, been removed or become seriously damaged or diseased. Thereafter all such works shall be carried out in accordance with the approved schemes.

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

Record of Planning Permission

58. A copy of the planning permission and any agreed variations, together with all the approved plans, shall be kept available at the site office at all times.

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

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

In determining this planning application, the County Planning Authority has worked with the applicant adopting a positive and proactive manner. The County Council offers the opportunity for pre-application discussion on applications and the applicant, in this case, chose to take up this service. Proposals are assessed against the National Planning Policy Framework, Replacement Local Plan policies and

Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption. During the course of the determination of this application, the applicant has been informed of the existence of all consultation responses and representations made in a timely manner which provided the applicant/agent with the opportunity to respond to any matters raised. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

K BATTERSBY

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

Background Documents to this Report:

1. Planning Application Ref Number: C8/2020/0448/CPO (NY/2020/0050/73) registered as valid on 29 April 2020. Application documents can be found on the County Council's Online Planning Register by using the following web link: <https://onlineplanningregister.northyorks.gov.uk/register/>
2. Consultation responses received.
3. Representations received.

Author of report: Amy Taylor