

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

**30<sup>TH</sup> JANUARY 2025**

**NY/2023/0062/ENV - LATERAL SOUTHERN EXTENSION TO WORK AND PROCESS LIMESTONE UTILISING THE EXISTING QUARRY ACCESS, WHEEL WASH, WORKSHOP, STAFF FACILITIES AND WEIGHBRIDGE, MOBILE PLANT, CONSTRUCTION OF SOIL STORAGE BUNDS, AMENITY PLANTING AND RESTORATION TO AGRICULTURE WHITEWALL QUARRY, WELHAM ROAD, NORTON ON DERWENT, YO17 9EH  
ON BEHALF OF W CLIFFORD WATTS LIMITED**

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

**1.0 Purpose of the report**

- 1.1 To determine a planning application for a lateral southern extension to work and process limestone utilising the existing quarry access, wheel wash, workshop, staff facilities and weighbridge, mobile plant, construction of soil storage bunds, amenity planting and restoration to agriculture on land at Whitewall Quarry, Welham Road, Norton on Derwent, YO17 9EH.
- 1.2 This application relates to an extension at a sizeable quarry operation that is subject to objections raised in respect of a range of material planning issues and is, therefore, reported to this committee for determination.

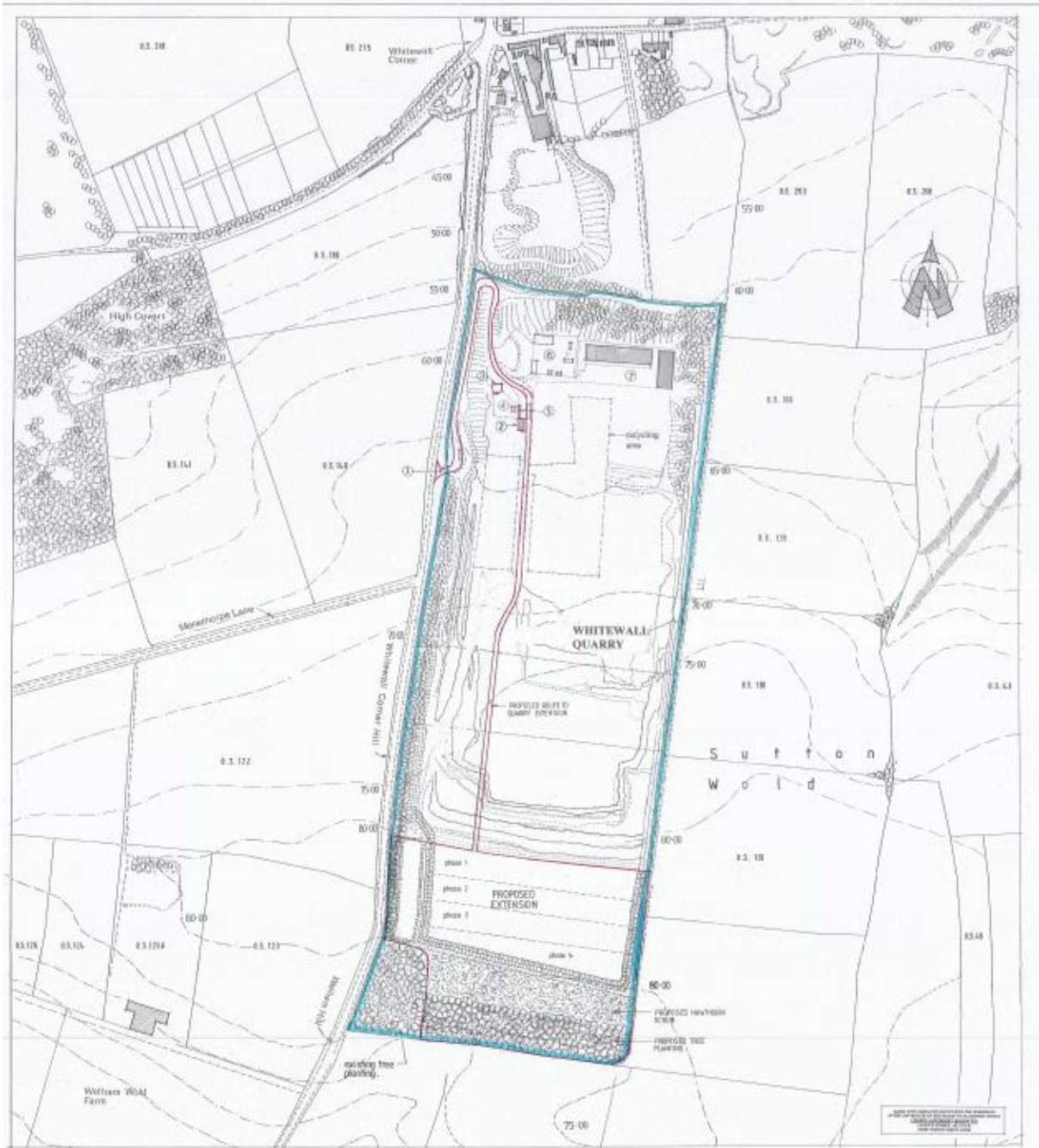
**2.0 SUMMARY**

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

- 2.1. The proposal is for a physical 7.47 hectare extension (including the haul road) of an existing quarry for the extraction of Jurassic limestone. This application site is allocated Site MJ12 in the Minerals and Waste Joint Plan, which was adopted in February 2022. It is proposed that 2 million tonnes of Jurassic Limestone would be extracted over a period of 11 years. This would be completed over four phases with extraction and progressive restoration in the existing quarry and in the proposed extension area providing a fully restored site once complete.
- 2.2. The application site is located in Ryedale to the South of Norton on Derwent, the site is not within or in close proximity to most types of “sensitive areas”, the nearest heritage assets are Whitewall House and Whitewall Cottages which are Grade II listed.
- 2.3. The principle of quarrying at Whitewall Quarry has been established for over 100 years extracting Jurassic limestone. The proposed development would provide a continued supply of crushed rock and agricultural lime to the existing market providing materials for construction and agriculture so fulfilling the requirements of

MWJP Policy D01, Ryedale Local Plan Strategy (RLPS) Policy SP6 and SP19 and paragraph 11 of the NPPF which promote sustainable development. As an allocated site (MJP12 within the Allocated sites document) it is considered to be consistent with M01, M08, M05 and M09 which support the principle of this proposed development in regard to the requirements of mineral extraction.

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



SITE PLAN  
SCALE 1:2500

### 3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here: -  
<https://onlineplanningregister.northyorks.gov.uk/Register/Planning/Display/NY/2023/0062/ENV>
- 3.2. The relevant planning history for this application are detailed below:
- NY/2023/0195/ENV - Consolidation of existing mineral extraction, inert construction waste recycling, and ancillary uses (concrete batching, workshop, offices, messroom), utilising the existing quarry access and mobile plant with restoration to agriculture and nature conservation including the importation of soil. Awaiting determination.
  - NY/2023/0200/73 - Variation of condition No. 2 of Planning Permission Ref. C3/09/00077/CPO for an extension of time for a further 11 years after the start of excavations in the southern extension. This application is for a building which is operated as a concrete panel plant. Awaiting determination.
  - NY/2023/0201/73 - Variation of condition No. 2 of Planning Permission Ref. C3/13/00295/CPO for an extension of time for a further 11 years after the start of excavations in the new southern extension. This application is for a building which is operated as a concrete panel plant, the building has not been built but the permission has been implemented. Awaiting determination.
  - NY/2018/0167/FUL(C3/18/00967/CPO) - Retrospective application for a 2.4 hectare extension to an inert and demolition waste recycling area 26 July 2022 and expired 23 November 2023. Implemented.
  - NY/2007/0247/CPO (C3/07/00937/CPO) - Extension of existing quarry. Granted 16 December 2008 with a time limit until November 2023. Implemented.
  - MIN4025 (C3/05/00443/CPO) - Extension of time limit for extraction of limestone and subsequent reinstatement. Granted 27 June 2005 with a time limit until December 2013. Implemented.
  - NY/2002/0001/PDA Proposed concrete batching plant (under Condition 12 of planning permission ref. C3/01/00260/CPO) 27 January 2003 30 November 2023. Implemented.
  - MIN3142 (C3/01/00260/CPO) - Extension of existing quarry for the extraction of limestone and use of part of the site for recycling operations. Granted 27 March 2002 with a time limit until December 2007. Implemented.
  - MIN0957 – (C3/96/41D/FA) - Extension of existing quarry for the extraction of limestone, retention of existing weighbridge office, workshop and mess room with site restoration on completion. Granted 26 September 1995. Implemented.
  - MIN0962 (C3/96/41A/PA) – Use of land as an extension to the existing quarry and the reclamation and landscaping of existing quarry. Granted 19 August 1992. Implemented.
  - MIN0956 – H249 - In fields O.S. No. 167 & No. 189 on the east side of Welham Road for the extension of an existing limestone quarry and the construction of a means of vehicular access. Granted 12 December 1964. Implemented.
  - MIN4047 - Extension of existing quarry. Granted 1947. Implemented.
- 3.3. Initial consultations were undertaken in April and May 2023, which were followed by various re-consultations with specific consultees in July, September and October of 2024. Neighbour notifications were sent on 2 May 2023 and site notices were erected on 6 June 2023. A Press Notice as also published in the Malton Gazette & Herald on 10 May 2023.

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

- 4.1 Whitewall Quarry is a long established active quarry (sourcing Jurassic Limestone) located to the south of Norton-upon-Derwent in undulating open agricultural land and extending over an area of approximately 18.05ha. The current owner has operated the quarry since 1956, although quarrying was taking place before this on land to the north of the existing operations. The quarry has, and continues, to be worked in a north - south direction. Access to the quarry is taken out of the northern end of the quarry onto Welham Road; the road at this point has an uphill gradient north to south levelling out at the quarry access and beyond the quarry, with a speed limit of 60mph and is known as Whitewall Corner Hill.
- 4.2 The existing quarry is actively producing stone and hosts ancillary operations in the form of a concrete batching plant, concrete block operation, maintenance building and an inert waste recycling plant; all of which are located in the northern worked out area of the quarry at a lower level than the adjoining Welham Road/Whitewall Corner Hill. The existing quarry area covers approximately 18.05 hectares.
- 4.4 The existing quarry is bounded to the west by Welham Road/Whitewall Corner Hill, approximately 2.4km to the south of Norton on Derwent. Alongside the road from the southern boundary to the quarry to the access is a well-established hedge/planting area partly within the quarry boundary, which screens the quarry from the road. To the north of the access running along the northern boundary of the quarry and adjacent to Whitewall Corner Hill is a hedge which helps screen the concrete batching plant, the building and recycling operations when seen from the road. A well-established hedge continues adjacent to the road running north to Malton. To the west of Welham Road/Whitewall Corner Hill is open agricultural land. Agricultural land is similarly found to the south and east of the quarry. Within the northern boundary of the quarry is a landscaped bund, constructed as part of a planning permission in 1982 to extend the quarry to the south, to screen the extended workings from houses at Whitewall Corner. Between the quarry and houses is a combination of agricultural land and paddock. The proposed extension area is partly arable agricultural use with sparse hedgerows and trees, the remainder of the extension area is unused and forms a low platform of raised material one which it is intended to plant the tree screen, there is also an established woodland immediately to the south west of the site.
- 4.4 The extension area and the existing quarry lies on a principal aquifer but lies outside of any Source Protection Zones for potable water supply. Areas of either Flood Zones 2 or 3 lie more than half a kilometre away, with the application site in Flood Zone 1. The proposed extension site falls within an area of agricultural land identified as being sub grade 3a (0.66 hectares) and sub grade 3b (3.3 hectares). The existing quarry and surrounding land falls within the northern boundary of the Wolds Area of High Landscape Value identified on the Policy Map to Ryedale Local Plan and at present there is a proposal for the Yorkshire Wolds to become a National Landscape (formally AONB) which is currently within the consultation stage, the existing site and the proposed extension allocated area are on the boundary of this but not within the draft designation. This is currently in its consultation period and can be accessed here: <https://www.gov.uk/government/news/have-your-say-about-new-area-of-outstanding-natural-beauty>
- 4.5 Bridleway 25.70/14/1 takes a route aligned east/west along 'Whitewall'/Bazeley's Lane linking up with Langton Road. Bridleway 25.55/1/1 has a north-south alignment off Bazeley's Lane to the south of 'Spring Cottage Stables' (500m east of the eastern boundary of the quarry). Whilst there are no footpaths in the immediate vicinity of the existing quarry and the extension area, public footpath 25.70/15/1 runs north/south

along a short stretch adjacent to 'Spring Cottage Stables'. Whitewall Corner Hill road shares a route, which is also taken by Route No. 166 of the SusTrans National Cycle Route; which forms part of the circular Yorkshire Wolds Cycle Route. The route from Menethorpe Lane passes the quarry parallel to the western boundary of the existing quarry and the extension area, heads northwards down Whitewall Corner Hill before crossing eastwards at the southern end of Welham Road to link to 'Whitewall'/ Bazeley's Lane.

- 4.6 The existing quarry and the extension area, falls within one of the notified Impact Risk Zones (IRZ) to the River Derwent Site of Special Scientific Interest (SSSI) lies) and Three Dykes SSSI / IRZ. Within these IRZs, proposals relating to a number of specified types of development, including the extraction of minerals and industrial processes, require notification of Natural England. Bazeley's Lane Site of Importance for Nature Conservation (SINC) lies 400 metres from the application site boundary (225 metres from the existing quarry boundary) and Welham Hill Verges SINC running along the site's western boundary.
- 4.7 Whitewall House and attached outbuilding and Whitewall Cottages & attached stable building are Grade II Listed the closest part of which is situated approximately 250m to the north of the north boundary to the existing quarry and site access which is also part of this application site.
- 4.8 The nearest residential properties are those properties at the foot of Whitewall Corner Hill on Welham Road (no.'s 185 & 187 Welham Road) and also the row of properties on 'Whitewall' to the north of the quarry; along which are the aforementioned Grade II listed buildings, the extension to the quarry would move the extraction area further from these properties. Welham Wold Farm lies approximately 200m to the south-west and Nab Wold 600m west of the extension area. The nearest property to the east is 'Furze Hill' at a distance of approximately 720m (approximately 400m from the wider quarry boundary). Spring Cottage Residential Home and 'Spring Cottage Stables' lie off Langton Road some 800m to the north-east beyond the elevated position (60AOD) of Scott's Hill (approximately 500m from the wider quarry boundary).
- 4.9 A Plan showing the location of the application site is Appendix A, a landscape proposal plan as Appendix B and a restoration plan as Appendix C attached to this report.

## **5.0 Description of Proposal**

- 5.1. This application seeks full planning permission for a lateral southern extension to work and process limestone utilising the existing quarry access, wheel wash, workshop, staff facilities and weighbridge, mobile plant, construction of soil storage bunds, amenity planting and restoration to agriculture. The proposed development seeks to extract two million tonnes of limestone south of the existing quarry site. The proposal is 7.47 hectares, with the extraction area being 4.2 hectares and a landscaping area of woodland and scrubland being 2.6 hectares, the proposal would also include the haul road through the existing quarry which is 0.6 hectares. The annual rates of extraction at the proposed extraction area would be between 250,000 tonnes and 300,000 per year, which is similar to the output of the existing quarry site.
- 5.2. The existing quarry's planning conditions limit the depth of the quarry to 43 AOD, which is proposed to be continued through this application for the extension area, the works are requested to be extracted over an 11 year period, extending in a southerly direction over four phases to the boundary of the new woodland planting area. The

application for the extension area includes two landscaping areas, which comprise a 2.6 hectare woodland to the south on the ridgeline of Sutton Wold, and a tree belt on the western boundary of the site to Welham Road, which would also gap up the existing hedge line and replace dead ash trees in the hedge. These landscaping works would be carried out in the first available planting season and secured by condition.

- 5.3. The working scheme for the application for the extension area starts with soil stripping the whole excavation area, along with the construction of a peripheral screening bund on the western boundary of the site inside the newly planted tree screen. A programme of archaeological works would take place prior to excavation and the Yorkshire Water main will be required to be moved from its present position running through the excavation area to the edge of the planting area on the west.
- 5.4. The operation would include blasting, which is estimated would take place approximately every six weeks. Blasting currently takes place in the existing site area. The quarry faces would achieve an overall face angle of 80 degree at the south end of the quarry and the top bench is proposed to be dug by an excavator without blasting, due to being a softer limestone. This element mirrors the extant permission. The blasts would be designed to ensure the integrity of the limestone and the stability of the final faces. Each final level would be separated by a rock trap bench 10m in width. The proposed base of excavation is 43 AOD, the first bench 53 AOD, the second 63 AOD and the final upper bench 73 AOD, with each bench height being approximately 15 metres.
- 5.5. Once a blast has taken place, stone would be loaded onto a mobile crusher at the quarry face and then screened using mobile plant into single size products. Quarry dust would be set aside and used for agricultural lime. Where rock is unsuitable for sale this very small proportion would be used in the restoration of the site.
- 5.6. The application includes a proposed restoration scheme and this would take place in a progressive manner, the restoration scheme also encompasses the existing site as well as the proposed extension to the quarry. The restoration scheme for the wider site would start with the removal of all buildings and structures, breaking up of hardstanding, then levelling of the quarry floor with surplus fines and preparation of the surface, if necessary, then the site's existing soils stored on the periphery of the quarry would be utilised on the quarry floor and spread evenly over the quarry fines. This would then be seeded with a suitable grass mix and returned to an agricultural use being managed in aftercare. Peripheral screen planting would be retained and side slopes configured to nature conservation. As part of the restoration the site access would be downgraded to an agricultural use. After the completion of the restoration of the site it will be managed according to an approved aftercare scheme.
- 5.7. Restoration would not be able to be progressed at an even rate due to the layout of the site, however some progressive restoration will take place. The restoration scheme for the extension area will provide 2.8 hectares of agricultural land and 4 hectares of conservation woodland/scrubland. The table E6 below gives a full explanation of the restored land uses for the extension area and the existing quarry.

**Table E6 Existing & Restored Land Uses Whitewall Quarry & Extension**

<b>Existing Land Uses</b>	<b>ha</b>	<b>Restored Land Uses</b>	<b>ha</b>
<b>Existing Quarry:-</b>		<b>Existing Quarry:-</b>	
Operational Area	18.90	Agriculture	14.10
Restored Area	2.00	Nature Conservation	6.80
<b>Total</b>	<b>20.90</b>	<b>Total</b>	<b>20.90</b>
<b><sup>12</sup>Extension:-</b>		<b>Extension:-</b>	
Agriculture	4.20	Agriculture	2.80
Unused Area	2.60	Conservation Woodland/Scrubland	4.00
<b>Total</b>	<b>6.80</b>	<b>Total</b>	<b>6.80</b>
		(Total Agriculture)	16.90
		(Total Nature Conservation)	10.80
<b>Overall Total</b>	<b>27.70</b>	<b>Overall Total</b>	<b>27.70</b>

- 5.8. The working hours for the at the extraction area would be 6:30-17:00 Monday to Friday, 7:00-12:00 Saturday and no working except for essential maintenance on Sundays and Bank/Public Holidays. Blast hole drilling would also be restricted to the working hours above, and blasting times restricted to between the hours of 0900-1600 Monday to Friday, with no blasting permitted on weekends or Bank or Public Holidays.

## **6.0 Planning Policy and Guidance**

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

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Minerals and Waste Joint Plan, (MWJP) adopted 2022.
  - Ryedale Plan - Local Plan Strategy, adopted 2013.

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Council resolved to prepare a new local plan after local government re-organisation in April 2023. Due to the early stage in preparation of the plan no weight is given to this plan.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:



- National Planning Policy Framework 2024.
- National Planning Practice Guidance.
- Malton and Norton Neighbourhood Plan.

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Cllr. Keane Duncan:** Was notified of the application.
- 7.3. **Norton on Derwent Town Council:** The response states the council voted to recommend refusal of the application. However, if the application were to be approved at committee, the Town Council requests conditions limiting truck movements, stricter speed monitoring and restrictions on future use of the quarry to allow for restoration and to prevent increased traffic or disturbance to nearby residents (In regard to the speed monitoring this is not a material planning consideration as HGV's are required to follow the approved speed limits in the area).
- 7.4. **Malton Town Council:** The response states the council voted to recommend refusal of the application. However, if the application were to be approved in committee, the council requests conditions limiting truck movements, stricter speed monitoring and restrictions on future use of the quarry to allow for restoration and to prevent increased traffic or disturbance to nearby residents (In regard to the speed monitoring this is not a material planning consideration as HGV's are required to follow the approved speed limits in the area).
- 7.5. **Environment Agency York:** A response was received stating no objection to the proposal but advising that the Applicant would be required to apply for an abstraction licence if the proposal intends to abstract more than 20 cubic metres of water per day from a surface water source. It is further stated that although the site currently operates under an environmental permit, a new permit, or a variation to the existing one may be required, with risks to groundwater and surface water from the proposed activities assessed and managed through this permit. Guidance is provided on groundwater protection as they inform that consideration should be given to the potential risk of pollution from fuel storage and machinery infiltrating the underlying aquifer, as the proposal has the potential for sediment heavy water to enter the underlying groundwater.
- 7.6. Advice was provided on the historic landfill site located within 250 metres of the proposed development, adding that further risk assessment could be done to include a stability risk assessment to consider any potential sediment issues or slope instability as well as the management and assessment of the potential for landfill leachate to exist. Lastly it was recommended to check with the Environmental Health team to understand if landfill gas is a concern in the area, with guidance and publications attached on how to manage it (it is considered that this historic landfill site is in regard to a historic fill of an old quarry south of the application site and the existing quarry).

- 7.7. **Highway Authority -** Throughout the application process there has been discussion on the highways impact with the applicant and the highways authority, with requests for further information to clarify the existing situation on site and justify the proposals acceptability. A response from the Highway Authority was received raising several concerns firstly, in reference to a farm access off Welham road being used for the soil stripping phase of development, which is not deemed acceptable (the applicant has since stated this access will not be utilised and a condition will only allow the existing quarry access to be used). Secondly, the reference to a daily traffic limit of 380 vehicle movements (190 each way) and further clarity being required on this and what operations this would include and also the environmental concerns of residents in Norton from HGV movements. The Highway Authority requested a condition limiting the site to a maximum of 120 aggregate carrying HGV's, which would be 240 movements (120 each way). The consultee adds that it is also proposed that an annual production limit for limestone is secured by condition at 300,000 tonnes per annum, to give further control of the vehicle movements out of the site. The consultee suggests the possibility that a routing plan and a percentage-based traffic distribution to reduce traffic numbers travelling into Norton.
- 7.8. The Highways Authority, in a final response submitted on 17 December 2024, confirmed that taking into account the assessments undertaken in the transport statement have demonstrated that roads (links) and junctions assessed will operate within capacity and accident data included has not shown any road safety concerns. The LHA considers that the activities which operate from the quarry at current levels stated as a maximum 240 HGV movements (120 each way for minerals extraction) will still allow the local road network to operate and will not have a severe impact. The LHA amended the previously requested requirement for a Construction and Environmental Management Plan to reiterate vehicle numbers, parking, wheel washing and contact details for the responsible person should any issues occur. The consultee requested conditions in relation to the proposed development being in compliance with the submitted construction environmental management plan, a HGV vehicle numbers condition, a minerals throughput condition, records of HGV movements condition, mud on the road, HGV sheeting and limiting highways access to the existing access.
- 7.9. **The Lead Local Flood Authority (SuDS):** A response was received stating no comments to make.
- 7.10. **Natural England:** A response was received stating no objection to the proposed development, considering it unlikely to have significant adverse impacts on statutorily protected nature conservation sites. Making note of the Yorkshire Wolds, the consultee states that an assessment of the landscape and visual impacts of the proposal on this area should be undertaken, with opportunities taken to avoid or minimise impacts on the landscape and secure enhancement opportunities. In addition to including advice on how to approach Sites of Special Scientific Interest (SSSI) Impact Risk Zones, they offer further general advice on the consideration of protected species and other natural environment issues.

- 7.11. **Planning Casework Unit:** At the time of writing this report, no consultation response has been received.
- 7.12. **SusTrans:** At the time of writing this report, no consultation response has been received.
- 7.13. **NYC Landscape Team:** A response was received stating that additional information has been submitted by the applicant relating to providing a Biodiversity Management Plan, Supplementary Transport Statement, Working Method Stockpiling Areas Note, and a Construction Management Plan. The consultee notes that in addition to this application there are three pending applications (NY/2023/0195/ENV, NY/2023/0200/73 and NY/2023/0201/73), recommending a cautious approach to ensure that a scheme to protect boundary vegetation, phasing and restoration scheme is secured for the whole quarry and consistent between the various applications. If this is possible, the consultee would be satisfied that local landscape and visual effects could be minimised and with a good standard of restoration. (The consultation response is in regard to all four applications and therefore there are some points which are not relevant to the proposed extraction area scheme)
- 7.14. The response informs that the site is in a sensitive landscape location and setting due to the landscape character, wider visibility to the north and south sides and in context of local views, proximity to nearby roads, PROW, isolated farms and properties. The site is located in an elevated location on the limestone ridge, adding that while the landscape is more transitional in the slopes down towards Malton and Norton to the north side, some of the local scenic qualities of the landscape around the site remain relatively intact, being strongest over the ridgeline immediately to the south of the site. The site is within a designated Area of High Landscape Value (AHLV) and the local area around the site is currently being considered by Natural England for AONB / National Landscape designation (the Yorkshire Wolds AONB Provisional Candidate Area).
- 7.15. In addition to the above the consultee has the following comments to make on the application:
- An overall scheme of phased working should be agreed and consistent with the wider quarry working and phasing to demonstrate progressive working and restoration in-line with the consolidation application NY/2023/0195/ENV.
  - Soil management information relating to soil storage and restoration lacks clarity, particularly soil storage and restoration height / depth for woodland planting and agricultural restoration, quality control for imported material. With any remaining soils, overburden and surplus processed material to be returned to the quarry as part of the phased restoration when not needed for temporary storage or screening of the site.
  - Existing trees and vegetation are to be retained and planting enhanced along the western boundary, with at least 12m vegetation depth established, protected and retained along this boundary in-line with previously approved schemes and permissions, plus any additional maintenance access, stand-off and safety margin needed. Furthermore, the extraction limits are not clearly defined on the submitted phasing and 'Working Plan'.

- It is expected that at least 15m stand-off from the top extraction bench would be required, recommending that the extraction limits are clearly defined on all the phasing plans and consistent with the overall phasing and restoration plans submitted.
- 7.16. The consultee states that they agree with the overall method and scope of the submitted Landscape and Visual Impact Assessment (LVIA). The consultee agrees with the assessment that landscape effects during extraction operations will have a large-moderate adverse significance. However, feels that the large-moderate beneficial significance projected 5-10 years post-restoration is overstated, considering the sensitive context and high value of the original landscape. The consultee suggests that a neutral effect after 15 years would be more realistic. The consultee further agrees with the visual assessment but notes that it is based on the current local AHLV landscape designation status. If the Yorkshire Wolds is designated as an AONB (National Landscape), this would be a material consideration, and the overall sensitivity and impact from the development could be of greater significance. The last comments states that although the site benefits from some established screen planting on the west side of the existing quarry, it is likely to be visible from parts of Malton, Norton, and Whitewall Corner Hill Road, especially during the winter months when vegetation is not in leaf. Existing screening and hedgerows near the quarry access and proposed extension area are weaker and more fragmented with the southern faces of the quarry more likely to be visible from longer distances, including from Malton, due to the elevated location. Further adding that the southern extension will utilise part of the existing quarry for access, operational working, and phased restoration, but there is potential for cumulative adverse effects if phased and progressive restoration is not achieved.
- 7.17. The consultee recommends that the following are secured by suitably worded conditions or a legal agreement in relation to the extensions area:
- A comprehensive scheme for managing and restoring vegetation, phased working and restoration.
  - Boundary screening.
  - A soil resource management Plan.
  - Detailed landscaping, restoration and aftercare schemes outlining all advanced and phased restoration plans, planting and maintenance plans.
  - lighting scheme and/or control of lighting.
  - noise minimisation for the quarry and its surroundings.
- 7.18. **NYC Ecology:** A response was received stating that the proposed extension would not have any negative impacts upon the SSSIs or SAC within the surrounding area. In regard to the SINC a sufficient standoff is required to be provided for no detrimental effects, which is secured through the proposed bund which is considered adequate and the quarry restoration has provided an opportunity to increase the calcareous grassland resource in this area.
- 7.19. The consultee considers that there should be no detrimental effect on species within the local area and requires the recommendations in the EclA to be adhered to. The consultee would like to see progressive restoration of the areas already worked to

provide benefits for biodiversity secured under earlier permissions suggesting a phased restoration plan with indicative timings, with the calcareous grassland restoration not be left until the end of this extension application.

- 7.20. the consultee states that the habitats to be created under BNG should be monitored and managed for a period of no less than 30 years, with monitoring including repeat habitat surveys and BNG assessments to demonstrate how the created habitats are developing against the expected projection. A re-consultation response was received where the consultee confirms that the Biodiversity Management Plan (BMP) is satisfactory as a strategic document but expects it to be reviewed and updated as necessary during restoration. Revisions could be linked to the phasing of development or occur at regular intervals, such as every 5 years.
- 7.21. **NYC Heritage Archaeology:** A response was received stating that the Environmental Statement considers the impact of the proposal on heritage assets of archaeological interest, supported by a desk-based assessment and a geophysical survey. The assessments show archaeological features, including a Roman road and evidence of Neolithic pits and prehistoric remains. The consultee includes that although these features are of archaeological interest they are not of such significance as to preclude development at the site. In addition to the above, a Written Scheme of Archaeological Investigation has been submitted, which the consultee states are a proportionate and reasonable response to the expected significance of the archaeological remains. The consultee recommends two conditions to secure the archaeological recording the first in regard to the development complying with the written scheme of investigation and the second covering a report on the archaeological remains recovered at the site.
- 7.22. **Yorkshire Water Services Ltd:** A response was received stating that a 315 mm diameter PVCu clean water main crosses the site, as shown on the Statutory Water asset map and that the exact location of the main must be determined on-site under Yorkshire Water's supervision. Furthermore, a legal easement of at least 5 meters on each side of the pipe is required, further stating that the water main will be diverted in accordance with their requirements and the formal procedure under Section 185 of the Water Industry Act 1991. The response included the requirement for a condition to protect the water main and give a stand-off zone, with a requirement to give evidence of its diversion or closure to remove the requirement.
- 7.23. Regarding water production, their response states that the proposal is located outside a Source Protection Zone for Yorkshire Water's groundwater assets and that based on the water assessment, it is concluded that the extension of the quarry poses no increased pollution risk, as the limestone will be extracted above the water level.
- 7.24. **Environmental Health Officer (Ryedale)** A response was received stating with regards to noise, the consultee accepts the findings of the submitted Noise Assessment referenced and recommend that conditions 10 (hours of operation), 14 (noise limits) and 15 (Noise Limit exemption) of Decision No. C3/07/00937/CPO dated 16th December 2008 and conditions 13 (plant noise attenuation), 14 (Noise limits) and 15 (Noise monitoring) of Decision No. C3/18/00967/CPO dated 26th July

2022 continue to be in force, including the recommendations for the site made in the previous report for the proposed extension in 2008 to work and limestone processing.

- 7.25. With regards to vibrations from the blasting, this consultee accepts the findings and recommendations of the Vibration Assessment submitted with the application. They recommend that the conditions in place with regards to vibrations be upheld and continued. In terms of dust management, they note that there does not seem to be additional sources of dust as the same access and egress area are being used as before the proposed extension, therefore recommending the same dust control monitoring and measures be continued for this extension.
- 7.26. A further response has been received in relation to the updated HGV movements information which states the maximum vehicle movements has only been reached once or twice in the last five years and to protect residential amenity the consultee would require a suitably worded condition to cover daily traffic levels. The consultee also requests that the proposed traffic route within figure 2 of the traffic technical note, dated September 2024 V2 should be adhered to and the Construction Environmental Management Plan (first edition, dated 2024) is also required to be adhered to.
- 7.27. **Health and Safety Executive:** At the time of writing this report, a consultation response has not been received.

#### Local Representations

- 7.28. 38 local representations have been received of which 23 are in support and 15 are objecting. The applicant has also submitted letters of support in the form of a pro-forma signed by those in support of the scheme, with 142 signatories. A summary of the comments is provided below, however, please see website for full comments.
- 7.29. Objections received highlight the following material planning considerations:
- **Impact on local roads and infrastructure:** Increased traffic, particularly HGVs, adding congestion and strain on local roads and junctions.
  - **Traffic safety:** Increased heavy vehicle traffic and concerns with vehicles speeds creating safety risks, particularly for pedestrians and cyclists.
  - **Impact on residential amenity**
    - o **Noise pollution:** Extended operating hours causing disturbances and increased noise from quarry activities and vehicle movements, with additional concerns in regard to health.
    - o **Dust pollution:** Quarry operations and increased traffic contributing to dust issues affecting local residents, with additional concerns in regard to health.
    - o **Health impact from emissions:** Increased vehicle traffic, particularly HGVs, contributing to air pollution, with concerns about increased emissions in an Air Quality Management Area.
    - o **Vibrations and Air Overpressure:** Blasting activities generating air overpressure, potentially causing disturbances and damage to nearby properties.
  - **Impact on wildlife:** Potential harm to local wildlife including badgers, bats, native frees and hedgerows.
  - **Damage to local habitats:** The quarry expansion may lead to damage to habitats from the importation of large quantities of material and HGV's.

- **Impact on local landscape:** Impact on the local landscape including areas of high landscape value and nearby SSSI.
- **Restoration of quarry:** On-going use of the quarry floor. Objection on the grounds that the restoration scheme does not provide sufficient plans for the restoration of the quarry.
- **Cumulative impact:** The combined effects of the quarry expansion with other developments in the area would further strain local infrastructure and contribute to pollution.
- **Public engagement issues:** Concerns raised over lack of engagement with local residents.
- **Extraction and timescales:** There are objections on the extraction figures in the proposed development, the employment figures and the proposed timescales for quarry operations.

7.30. Representations of support highlight the following:

- **Local Employment & Economic Impact:** Quarry providing significant jobs for local residents and supporting nearby businesses, which drives the local economy.
- **Carbon Footprint & Sustainability:** Sourcing materials locally reduces emissions and supports sustainable practices in construction.
- **Community Support & Sponsorship:** The quarry sponsors local events, including the rugby club, and supports businesses like fuel stations and other local services.
- **Traffic Impact:** No significant traffic issues, even with the quarry's close proximity to residential areas.
- **Business Continuity:** The extension would ensure continued material supply, preventing higher costs and potential job losses in local industries.
- **Environmental Standards:** The quarry adheres to high environmental standards, including dust reduction, water management, and minimizing impacts on surrounding communities.
- **Wildlife Impact:** Minimal effects on wildlife, as the site manages and minimizes the disruption to habitats and local species including local racing stables and horses.

#### Non-material considerations

- **Safety for vulnerable road users:** Safety concerns regarding the lack of footpaths or grass verges on roads used by cyclists and pedestrians.

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

- 8.1. The applicant has provided an Environmental Statement with the application. The development falls within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out in the descriptions of Schedule 1 developments for which Environmental Impact Assessment (EIA) is mandatory and the proposal falls within this Schedule which is why an Environmental Statement has been required. In line with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 19 (3) the notification of the application with an Environmental Statement was sent to the Secretary of State.
- 8.2. The Environmental Statement uses the existing quarry operations as the baseline to assess the impact of activities. The ES includes chapters relating to the assessments undertaken for various topics and the Applicant has commissioned technical reports from expert consultants to assess the impact of the proposed activities on the locality around the Quarry. The Environmental Statement chapters in relation to:  
IV Population Including Economy, Human Health, Major Accidents And Disasters

V Biodiversity & Geodiversity

VI Land Including Soils, Contamination, Land Stability And Landscape/Visual Impacts

VII Climate & Water

VIII Material Assets Including Minerals And Cultural Heritage

IX Emissions Including Noise, Air Quality, Vibration

X Traffic/Accessibility

XI Interactions & Cumulative Impact

These topics are considered appropriate for the development proposed.

8.3. The Environmental Statement concludes that the development can be delivered without any substantial environmental impacts, which would outweigh the benefits of the development.

8.4. It is considered that the Environmental Statement is acceptable in regard to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as a whole and specifically in regard to Regulation 18 (5) it is considered in this instance that the Environmental Statement has been prepared by competent experts as outlined in the documents submitted to the council. In regard to regulation 4(5) of the same legislation it is considered that the Council has or has access as necessary to sufficient expertise to examine the environmental statement in this instance.

## **9.0 Main Issues**

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

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

## **10.0 ASSESSMENT**

### Principle of Development

10.1. This planning application made under the Town and Country Planning Act 1990 seeks consent for a 7.47 hectare southern extension (including the haul road) to the existing Whitewall Quarry with the aim of extracting 2 million tonnes of Jurassic limestone over a 11 year period. The area of excavation in the extension area is 4.2 hectares.

10.2. The principle of quarrying at Whitewall Quarry has been established for over 100 years extracting Jurassic limestone, with the applicant stating that in 2020 it produced 60% of all Jurassic Limestone in the North Yorkshire sub-region. It is noted in the Supporting Statement that this proposal does not seek to alter the number and timing of the vehicular movements above the level currently in operation at the existing



Quarry; the hours of working and the overall operation itself, all of which are requested to remain at present levels. It is also noted that there is a consolidation application for the existing site (NY/2023/0195/ENV) which includes continued extraction, recycling, restoration and the existing concrete plant. There are also two separate variation condition applications also in relation to the concrete panel operation (NY/2023/0200/73 and NY/2023/0201/73), which will be determined taking into account the further extraction application. Due to the small scale nature of the amount of minerals remaining in the consolidation area to extract it is not considered that there would be any cumulative impacts of both permissions being worked in tandem and it is also considered with both mineral applications now to be determined it gives the opportunity to have the same requirements in terms of conditions throughout the existing quarry and proposed extension area where possible should permission be forthcoming.

- 10.3. In terms of land use planning policy in respect of minerals MWJP Policy M01: Broad geographic approach to supply of aggregates explains that minerals development should be steered towards the areas of the county that lie outside the boundaries of the North York Moors National Park, the Areas of Outstanding Natural Beauty and the City of York. The location of Whitewall Quarry and this extension area for the existing quarry is not within any of the areas listed in the policy. However the draft Yorkshire Wolds National Landscape area (formerly named AONB) is in close proximity to the site with the proposed extension up to the draft Yorkshire Wolds National Landscape boundary. There is a requirement in the levelling up and Regeneration Act (2024) (LURA) to seek to further the purpose of conserving and enhancing the natural beauty of protected landscapes such as this draft National Landscape, currently out for consultation. The relevant duty requires the authority to take reasonable proportionate steps to further the statutory purposes of protected landscapes and seek to avoid harm and contribute to the conservation and enhancement of their natural beauty, with measures embedded in to the design of proposals where reasonable practical and operationally feasible.
- 10.4. Other relevant local policy in regard to the application is the Ryedale Local Plan Strategy (RLPS) Policy SP6 Delivery and Distribution of Employment/Industrial Land and SP19 which promote sustainable development and Policy SP9 which gives support for small scale extraction of local building stone and limited aggregate provision which the acceptability of will be determined by the MWJP. The Malton and Norton Neighbourhood Plan is also relevant to the determination of the application specifically policy HD2 in relation to area wide principles for development including suitable landscaping, amenity of nearby residents and provision of a safe environment. Policy EM1 in relation to the encouragement of development which would generate employment, however quarrying does not come under any of the key local employment sectors stated in the policy. Within Appendix A of the neighbourhood plan - community actions it states *“Whitewall Quarry is important in regard to securing a supply of stone for the conservation of existing buildings in the area”*.
- 10.5. Landbanks are an important aspect of Government policy to ensure continuity of supply of minerals and support economic growth and provision of infrastructure. A further extension to the existing Whitewall Quarry would play an important role in the supply of Jurassic Limestone in the Plan area contributing to sustained resources for growth. The proposed development would secure productive capacity, ensuring

continuity of supply and assisting in maintaining a sufficient land bank reserve of crushed rock. It would constitute an efficient use of mineral resources permitting the recovery of known reserves of crushed rock. The National Planning Policy Framework (NPPF) paragraph 222 recognises that a sufficient supply of material to support the country's needs are required with minerals being essential to provide the infrastructure, buildings, energy and goods that the country needs and can only be worked where they are found and in regard to paragraph 226 local planning authorities should plan for a steady and adequate supply of aggregates by maintaining a landbank of at least 10 years for crushed rock. Footnote 80 of the NPPF further states *"Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites"*.

- 10.6. MWJP Policy M06: Landbanks for crushed rock reflects the national requirement in the NPPF that a 10 year landbank for crushed rock should be maintained to ensure a security of supply, the current landbank is over 25 years for crushed rock as a whole, the applicant has calculated using PPG guidance that the specific Jurassic Limestone landbank is approximately 15.3 years (using the 6<sup>th</sup> LAA data). As set down in MWJP Policy M05: Provision of crushed rock the total provision for crushed rock over the 15 year period between 1<sup>st</sup> January 2015 to 31<sup>st</sup> December 2030 is set at 51.75 million tonnes which includes a 6.8 million ton provision of Jurassic limestone at an equivalent rate of 0.45 million tonnes per annum. Table 3 in the adopted MWJP states that for Jurassic limestone there is a residual shortfall of 1.8 million tonnes during the plan period. The most recent Local Aggregate Assessment, (8<sup>th</sup> Review), states that the shortfall for Jurassic limestone is now 0.3 million tonnes. MWJP Policy M09: Meeting crushed rock requirements, includes the allocation of potential new permissions and one of the allocated sites included is "MJP12: Whitewall Quarry, near Norton" which is the proposed development for the extension site being considered in this report.
- 10.7. The site in the MWJP Appendix 1 allocated site document (MJP12) is stated to be consistent with policies M01 and M06 of the MWJP. The key sensitivities identified by the site assessment are:
- Ecological issues, including impacts on: River Derwent SAC, Welham Hill verges SINC, protected species, potential habitats.
  - Impact on best and most versatile agricultural land
  - Heritage asset issues as identified by Historic England, including proximity to and impact on archaeological remains, Scheduled Monuments at The Three Dykes and West Wold Farm, Langton Conservation Area, Listed Buildings including Whitewall House, Whitewall Cottages & associated stable and their settings.
  - Landscape and visual intrusion issues, including: on the town and landscape features including the ridgeline, and cumulative impact of quarrying.
  - Impact on economy of the Malton, Norton and local area, including the horse racing industry.
  - Water issues, including hydrology, flood risk (Zone 1), water main and surface water drainage.
  - Geodiversity issues
  - Traffic impact, including access, HGV use of local roads, the Yorkshire Wolds Way cycle route, Malton and Norton

- Amenity issues, including noise, dust, air quality in Malton and Norton, vibration, quality of life and cumulative impact in relation to residential amenity and proximity of the adjacent stables.
- 10.8. Further to this the site assessment and consultation process during the preparation of the MWJP identified requirements which are stated below:
- Mitigation of ecological issues, including impact on designated sites (such as the River Derwent SAC and Welham Hill verges SINC), protected species and habitats
  - Mitigation to minimise the irreversible loss of best and most versatile agricultural land and to protect high quality soil resources.
  - An appropriate site design and landscaping of site to mitigate potential impacts on heritage assets as identified by Historic England, (archaeological remains, Scheduled Monuments at The Three Dykes and West Wold Farm, Langton Conservation Area, Listed Buildings including Whitewall House, Whitewall Cottages & associated stable) and their respective settings including appropriate archaeological investigation and mitigation.
  - A suitable flood risk assessment, which to be satisfactory will need to include any necessary mitigation such as compensatory storage, attenuation and SuDS as appropriate and mitigation of any impact's groundwater quality and groundwater Supplies.
  - An appropriate transport assessment to ensure suitable arrangements for access onto Whitewall Corner Hill road and on local roads, including an appropriate traffic management plan that reflects the volume of traffic using the site in connection with the development and other activities taking place within the quarry site.
  - Mitigation of impact on right of way users and other recreation activities in the vicinity including the route of the Yorkshire Wolds cycle route
  - Appropriate arrangements for assessment, control of and mitigation of effects such as ancillary development noise, blasting, and dust and including a cumulative impact assessment which demonstrates the relationship of any proposed development on the allocated site with existing operations; the potential for consolidated mitigation of the operation and control at the quarry and ancillary infrastructure; measures to ensure adequate protection against potential impacts on residential amenity and use of the stables; and monitoring (and where appropriate reporting) of potential impacts.
  - Appropriate restoration scheme using opportunities for habitat creation and which relates to the whole of the quarry site.
- 10.9. The Whitewall extension being an allocated site within the MWJP is a significant consideration of the principle of the proposed development. However, this application is required to be considered on its own merits. It is considered that the applicant has provided sufficient detail in the application documents in relation to the above key sensitivities and the requirements of any application. Each individual element in 10.7 and 10.8 will be discussed under the appropriate heading within section 10 of this report. The key sensitivities identified in the allocation MJP12 relevant to the principle of the development is the impact on the economy of the Malton, Norton and local area, including the horse racing industry. In regard to this specific information has been provided with the application on the impact of horse racing from Whitewall Quarry is discussed in the paragraphs below. It is considered that in the Environmental Statement the applicant has considered the cumulative impacts of the

development throughout the individual chapters as required by schedule 4 of the Environmental Impact Assessment Regulation (2017), and the detail of the Environmental Impact Assessment is considered in the relevant sections of this report. Within the allocation of MJP12 it includes an annual output of 250,000 tonnes per annum and HGV movements of 100 (50 each way) movements. The applicants view when submitting the site for allocation with these numbers was this was an on average figure. This application is considered a departure from this due to including an annual output of 300,000 tonnes per annum and HGV movements of 120 (60 each way) on average. The impact of this increase in HGV numbers will be considered in detail in the highways section of this report.

- 10.10. In regard to compliance with MWJP policies the proposal is in compliance with M01 titled Broad geographical approach to supply of aggregates as it is outside the National Park and AONB. In this instance, it is considered that minerals can only be worked where they are found and the details provided with the application which include measures to lessen the impact of the extraction such as advance planting and the gapping up of hedgerows prior to operations, with mitigation measures during operations to lessen the impact on the amenity of the area in regard to noise, dust and vibration and a restoration scheme which after extraction has been completed would give biodiversity net gains. Taking this into account it is considered that the principle of this application in relation to proposed national landscape is acceptable and would further the purposes of the proposed national landscape as required by the LURA (2023). Therefore it can be stated that this application is in compliance with M01 of the MWJP. The impact of the extension to the site on the proposed National Landscape of the Yorkshire Wolds will be discussed in each relevant section of this report.
- 10.11. The applicant also has noted the position in terms of Jurassic Limestone as being *“precarious due to two sites being in the Howardian Hills AONB (now national landscape) and another in the national park, with the remaining sites having expiry dates now or in the near future”*. In relation to this Newbridge Quarry stated in the MWJP M06 policy has permission until 31 December 2026 (Ref. C3/22/01196/CPO) and stated within the committee report for the application 13 June 2023 had 500,000 tonnes of mineral reserves remaining, the second site stated in M06 is Settrington Quarry for which there is an outstanding application to be determined by the Council for further extraction, which is also an allocated site in the local plan. In regard to M06 as Newbridge Quarry and Settrington quarry are the only other active Jurassic limestone quarries in North Yorkshire this allocation at Whitewall quarry for a physical extension to the site is still required, due to there being limited supply of Jurassic Limestone in North Yorkshire.
- 10.12. The Local Aggregate Assessment for the North Yorkshire Sub-region (8<sup>th</sup> review 2021) is the most up to date published assessment in terms of the current resources in the sub-region. The assessment states that the crushed rock landbank is over 25 years, which is above the ‘at least’ ten year requirement. This, however, does not impact upon the acceptability of this extension under consideration. as although it indicates the existence of a level above the minimum requirement at the point of assessment and indicates that, at present, there is not an urgent need the government planning practice guidance in relation to minerals states there is no maximum landbank level and each application should be judged on its own merits. This is also supported by the NPPF paragraph 226, which although states a landbank

should be at least 10 years, longer periods may be appropriate in footnote 80. When specifically looking at Jurassic Limestone in the MWJP the annual (per year) requirement is approximately 0.45 million tonnes, with 3.6 million tonnes required over the plan period until 2030. The current reserves for Jurassic limestone stated within the LAA is only 3.3 million tonnes, which is why there is still a requirement for this resource and the site is allocated in the MWJP. In this specific instance the known constraint is the location of the reserves and the requirement to maintain a local supply of crushed rock to the eastern part of the sub-region. Therefore given that there is an identified shortfall in the provision of Jurassic limestone up to 2030 there is a requirement for further permissions to be granted specifically for Jurassic limestone and this site has been deemed appropriate should the key sensitivities and development requirements be met through this application. This also supports the applicant's submission of 300,000 tonnes per annum being proposed through this application as although there is an adequate landbank it is considered that this 50,000 tonne increase per annum would help support the shortfall in the shorter term. It is also considered that due to updates in the NPPF and further housing requirements for North Yorkshire there may also be an increased requirement for minerals resources.

- 10.13. The main aim of MWJP Policy D01 is the presumption of sustainable minerals development to help improve the economic, social and environmental conditions in the area. In regard to MWJP Policy D11, it is to make sure that minerals developments are sustainable, appropriate and proportionate to the location. With appropriate mitigation measures in place to assist in visually screening the development during its operational phase, the scale of development is considered acceptable and should be considered against its temporary nature and that it would contribute to securing a long-term supply of Jurassic limestone. The proposed extension would provide a continued supply of crushed rock to the existing market providing materials for construction and agriculture so fulfilling the requirements of MWJP Policy D01 and D11, Ryedale Local Plan Strategy (RLPS) Policy SP6, SP9 and SP19 and paragraph 11 of the NPPF which promote sustainable development.
- 10.14. In regard to the Malton and Norton neighbourhood plan the extension would allow the site to continue to contribute to the employment in the local area which is in compliance with policy EM1 and it is considered that the general area wide principles have been complied with and support in relation to this will be stated in the specific relevant parts of this report. The proposal is also considered to be consistent with paragraph 222 of the NPPF which emphasis is that *'it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country need'* and paragraph 224 of the NPPF which states *'great weight should be given to the benefits of mineral extraction, including to the economy'* as the proposal would facilitate the continued operations of mineral extraction at the site and promote sustainable growth of key economic sector. In representations of support received the importance of the site to the local economy is also stated in regard to providing jobs and providing continued material supply.
- 10.15. There is an objection in relation to the application in regard to the cumulative impact of the quarry expansion with other operations in the area, which is considered to include the existing site operations. The proposed minerals extension would benefit from the presence of existing infrastructure (weighbridge, offices and site access) currently in place at the quarry. Policy I02 in the MWJP supports the use of existing

infrastructure on minerals sites, as it provides the needed infrastructure, building and materials with a lower impact on the environment, than would be caused by a new crushed rock site with no existing infrastructure. This is also consistent with Minerals Planning Practice Guidance (PPG) Paragraph 27-010 in regard to the considerations of existing site extensions and newly proposed sites, which should be considered on their own merits. This is also consistent with the NPPF in regard to paragraph 222, 224 and 226 in regard to the acceptability of the location of the proposed development.

- 10.16. The NPPF paragraph 222 recognises minerals are a finite natural resource and can only be worked where they are found. It is, therefore, important to make the best use of them as a means to secure their long-term conservation. When taking the above policy I02 into account it is not considered that the existing site and ancillary operations working in combination with the extension to the site would have a significant cumulative impact on the area in terms of the principle of development as the application documents have sufficiently shown that the existing site operations in conjunction with the extension can be sufficiently mitigated to provide an acceptable level of residential amenity and the landscape. The operator also states that the ancillary operations are required to make the site viable in terms of minerals extraction. It is also considered that unavoidable noise and dust can be controlled by adequate conditions, with the restoration and aftercare being completed to the highest possible standard at the earliest opportunity. In relation to cumulative impact with other operations in the area, the closest of which is Settrington Quarry approximately 3.3 kilometres east of the application site, due to the distance between the sites and the topography of the land it is not considered there is a cumulative impact. In relation to HGV movements there is some overlap with the use of the Brambling fields junction but no other overlap in terms of impact of the operations. In terms of the highways network there is no objection from the highway's authority on the capacity of local road network in relation to the HGV movements from both quarries. The specific issues stated in the above paragraph will be discussed in further detail in the relevant sections of the report.
- 10.17. There is also an objection in regard to the extraction figures in the application details, as well as the employment figures and concern regarding the proposed timescales for the application to be extracted in. In relation to this issue at present the authority has no reason to consider that the information is not correct and the application is required to be considered on the merits of the information provided.
- 10.18. Therefore, this 7.47 hectare extension for the extraction crushed rock from Whitewall Quarry is acceptable in principle as the requirements stated within the allocation document for MJP12 Whitewall quarry in terms of key sensitivities have been addressed in addition to established principle that there is a requirement for an ongoing need for a supply of Jurassic Limestone at Whitewall Quarry through allocation MJP12. It is also considered that when weighing in the planning balance the departure from the MWJP with 300,000 tonnes per annum and 120 HGV movements on average instead of 250,000 tonnes and 100 HGV movements on average in terms of the principle of development it is considered that any additional impact would be outweighed by the need for the finite minerals resources and would contribute to North Yorkshires Landbank requirements. Consequently, in terms of the principle of development the proposal is consistent with policies M01, M05, M06 and M09 in the Minerals and Waste Joint Plan, by providing for the maintenance and

delivery of the landbank of crushed rock, the application accords with local and national policy. It is also considered that the proposal would not have an increased negative effect on economic, social and environmental conditions of the area, which will be discussed in detail in the relevant sections of the report. The proposal is also in compliance with MWJP Policies D01 which support the sustainable development. It is also in compliance with Ryedale policy SP6 due to being identified in the local plan as a site which is required for minerals extraction in the locality and that the benefits of extracting this mineral would outweigh any adverse impacts and consistent with the NPPF.

#### Amenity

- 10.19. The existing quarry site has operated as a quarry under the terms of the previous permissions. This planning application proposed to maintain the existing quarry sites management operating practices for the new extension area, including hours of operation, dust suppression measures and noise monitoring. However it is understood that residents have concerns with the current controls over the site, specifically regarding noise from the operation. NPPF paragraph 198 requires decisions to ensure development is appropriate for its location taking into account the cumulative impact on health, living conditions and the natural environment, including mitigating and reducing the impact resulting from on noise and avoid noise giving rise to significant adverse impacts on health and the quality of life, identifying tranquil areas and limiting light pollution. The relevant development plan policies which need to be considered in terms of amenity are MWJP Policy D02: Local amenity and cumulative impacts, MWJP Policy D14: Air quality, RLPS Policy SP6: Delivery and Distribution of Employment/Industrial Land and Premises Policy SP17: Managing Air Quality, Land and Water Resources.
- 10.20. The extension area in the MWJP allocated site document (MJP12) gave a key sensitivity as amenity issues and required the applicant to provide with any application appropriate assessments for the control of the development for noise, blasting, dust and cumulative impacts, including impacts on the stables and the requirements of monitoring. The applicant states in the supporting statement that this information has been provided and the site would operate within recognised standards, with the mitigation currently in place giving adequate provision for residential properties.

#### Noise

- 10.21. A Noise Report and a Noise Report on Horses have been provided as appendix 8 of the Environmental Statement, which includes Section IX on Emissions. The Noise Report was undertaken at locations chosen to represent noise sensitive premises in the vicinity of the site, which includes Welham Wold Farm (approx. 200m south-west), Welham House (approx. 865 metres north-west), Whitewall House/Stables (approx. 860m North) and Furze Hill/Stable Cottage (approx. 720m East). Predicted noise levels from the proposed development have been calculated at the nearby noise sensitive premises. The predictions are based upon detailed information regarding the proposed working of the extension area and have been undertaken following calculation methods that are suitable for open sites and quarries. The report states that the development has been assessed with reference to policy and guidance specifically relating to noise emissions from mineral sites. The report concludes that the outcome of the assessment demonstrates that the proposed scheme is able to operate in accordance with these noise standards and there are not to be considered

to be any significant or unacceptable adverse impacts. The report has made a range of recommendations to minimise potential noise emissions from the extension area during the implementation of the proposed scheme, these being largely consistent with schemes of mitigation for the existing quarry site along with some enhanced mitigation measures to further reduce the potential impact on residential amenity within the vicinity of the extension area and existing quarry site.

- 10.22. Policy D02 of MWJP states where it can be demonstrated that there will be no unacceptable impact on the amenity as a result of noise, dust, vibration or emissions to air, with proposals being required to first “*prevent adverse impacts through avoidance*” and where this is not possible use “*robust mitigation measures*”. Part 2 of the policy states applicants are encouraged to engage with local communities in regard to proposals. Policy SP6, SP16 and SP20 of the Ryedale local plan have a requirement to protect amenity and promote well-being. SP6 states minerals extraction processes are required to not adversely affect the amenity of neighbouring occupants of the site in line with policy SP20. SP20 specifically states in regard to noise that developers “*will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards*”. More generally in regard to amenity policy SP20 requires that no new development would have a material adverse impact on amenity and that proposals would be resisted where there are unacceptable risks to human life, health and safety or risk to property. Also relevant is the Noise Policy Statement for England (2010), which outlined the government's long-term vision for managing noise to promote good health and quality of life through effective noise management within the context of sustainable development. Aiming to avoid significant adverse impacts, mitigate and minimise adverse impacts and contribute to the improvement of health and the quality of life.
- 10.23. The PPG guidance states the Significant Observed Adverse Effect Level (SOAEL) is the threshold above which significant negative impacts on health and quality of life occur, while the Lowest Observed Adverse Effect Level (LOAEL) indicates the point where adverse effects can first be detected. The No Observed Effect Level (NOEL) is the level below which no effects are observed, and it's important to consider that these levels can vary based on factors like noise intensity, frequency, duration, and timing. It also includes a noise exposure hierarchy where noise exposure is categorised into levels based on its effects. At the lowest level, unperceived noise has no impact, while slight exposure leads to minor changes without affecting quality of life. As exposure increases, it can cause noticeable behavioural changes, prompting the need for mitigation. Crossing into significant adverse effects results in substantial behavioural changes, necessitating planning measures to avoid such impacts. At the highest level, excessive noise can lead to serious health issues, which should be avoided regardless of the benefits of the noise-generating activity.
- 10.24. The recommendations of the noise report for the extension area request a condition limiting noise levels to not exceed background levels by 10dB(A) during normal operations, with works during night time period not exceed 42 dB(A) LAeq,1h (free field) at the noise sensitive properties (stated in paragraph 10.21) in regard to short term operations it should not exceed a 70 dB LAeq,1h (free field) and is limited to 8 weeks at any one property. The Noise report also outlines other noise control measures which should be continued to be implemented at the site including the hours of operation, plant noise being well maintained with audible reversing warning



systems that do not impact residential amenity, limiting drop heights, unnecessary use of horns, haul roads being kept clear and appropriate training.

- 10.25. Objections received from members of the public are related to noise included extended operating hours causing disturbances and increased noise from quarry activities and vehicle movements, with additional concerns in regard to health. the full list being stated in paragraph 7.29. In relation to this the hours of operation for this extension submitted as part of this application are proposed to match the previous hours of operation for the existing Whitewall Quarry site. The proposed hours of operation are 06:30 – 17:00hrs Monday to Friday, 07:00 – 12:00hrs Saturdays and at no times on Sundays and Bank (or Public) holidays.
- 10.26. In regard to the proposed extension, Table E23 from the Environmental Statement shows the predicted worst case noise levels at each sensitive receptor for early morning working, with drilling, no drilling and short term operations.

<b>Table E23: Calculation Results</b>				
<b>Assessment Location</b>	<b>Calculated Specific Sound Level LAeq,1h (free-field) dB</b>			
	<b>Normal Operations</b>			<b>Short-term Operations</b>
	<b>Early morning 0630 - 0700</b>	<b>Daytime</b>		
		<b>No Drilling</b>	<b>During Drilling</b>	
Welham Wold Farm	41	43	46	50
Welham House	39	41	43	45
Whitewall House / Stables	40	44	45	47
Furze Hill / Stables Cottage	35	39	41	43

- 10.27. The Noise Assessment shows that the worst-case noise levels (which includes the minerals extraction, the concrete batching plant and recycling area) generated by temporary operations such as soil stripping and screen mound construction operations, would remain significantly below the absolute noise limit of Temp Ops 70dB LAeq, 1hr stipulated in the Planning Practice Guidance for Minerals (Paragraph 022, dated 6.3.2014), with the highest predicted being at Welham Wold Farm at 50 DB LAeq, 1hr (free field) and it is considered that a condition would be required to be included on any grant of permission to confirm this higher limit, to protect residential amenity. Condition 12 in the draft schedule is in relation to the temporary operations.
- 10.28. In relation to long term "normal" working operations it is considered the noise assessment undertaken based upon a distance attenuation calculation presents a worst-case scenario, including the cumulative impact of ancillary operations at the existing whitewall site to the nearest receptors. The assessment concludes that the noise from worst-case long-term operations would be negligible and, should not exceed background noise of 10dB (A) at the existing sensitive receptors to meet national standards, as shown by table 23 above. The officer view is that with the noise limits conditioned to a not be 10dB(A) above the background level there would not be any significant adverse impacts on residential amenity. In relation to this the Environmental Health Officer (EHO) has requested that the condition which was previously applied to the site in regard to standard operations not exceed the

background noise level dBLA90 by more than 10dB(A) at the nearest façade or boundary should be implemented. Condition 11 in the schedule is in relation to noise limits stating the four properties which have most risk of being impacted. The condition has been drafted to state that noise shall not exceed the background noise level dBLA90 by more than 10dB(A) LAeq,1h (free field) up to a maximum limit of 55 dB(A) LAeq,1h (free field), which is in line for guidance on acceptable limits to a property.

- 10.29. The applicant has requested the operating hours starting at 0630 which is during what is classed as Night Time Working, this is acknowledged in the Environmental statement and considered separately. As this working would have further impacts on residential amenity there is stricter PPG guidance in relation to this recommending that noise limits should not exceed 42 dB(A) LAeq,1h (free field). In this instance the applicant has provided information in the form of table E23, as shown above, to state that the predicted working at this time would not be above this limit in relation to minerals extraction operations, this prediction does not take into account cumulative impacts of the concrete batching plant or recycling operation working as within the consolidation application these activities are proposed to commence at 0700. It is considered that with this limit for the short period of time there would be no significant impact on residential amenity from the proposed development. Therefore it is considered to add into Condition 11 that the working between 0630-0700 at any four stated residential properties would be limited to 42 dB(A) LAeq,1h (free field) for only minerals extraction working.
- 10.30. To secure the recommendations within the Noise Assessment condition 13 is for a noise management plan has been added to the schedule which requires the operator to submit a detailed scheme for noise monitoring at the site which would include noise monitoring frequencies, an implementation program and how noise complaints would be processed by the site. This document would be required to be approved by the planning authority in consultation with the Environmental Health Officer to confirm it is appropriate. The condition gives the opportunity for the authority to request a review of the noise management plan if it is not deemed to be sufficiently controlling the existing site area. Furthermore with the EHO requesting previous conditions for the site be carried forward a further condition is also required in relation to the effective noise attenuation of plant within the site, this is condition 10 of the schedule and would limit noise from plant and machinery having a significant impact on the amenity of the area due to high noise levels.
- 10.31. The noise management plan (condition 13) as well as conditions 10, 11 and 12 would sufficiently mitigate the impact of minerals extraction on the area. It is considered that these four conditions working in conjunction with each other give the local authority sufficient control of noise at the extension area and would not lead to any unacceptable impacts on residential amenity. It is considered that the above stated conditions would prevent noise from the site through avoidance and provide robust mitigation in compliance with Policy D02 (1) of Minerals and Waste Joint Plan (MWJP). In relation to D02 (2) and the requirement for community engagement within the environmental statement there is a community statement of involvement where the applicant has outlined that it approached to local residents, local politicians and the Town Council. A presentation in relation to the application was also presented at a Town Council meeting which was open to the public. Feedback from this meeting,

local residents and politicians were then taken into account in the application process. It is therefore considered that the application is in compliance with Policy D02 of the MWJP as there would be no unacceptable impacts from noise and the mitigation secured through conditions would protect local amenity. Furthermore on the basis that such mitigation and controls are secured by the imposition of planning conditions, it is considered that the proposed development would not result in adverse noise impacts upon any local residential property and would provide the highest standard of protection not leading to an unacceptable risks to the amenity of the local residents, which also in compliance with SP6 and SP20 of the Ryedale local plan.

- 10.32. Although objections state noise from the site is an issue it is considered that through robust conditions the impact of operations can be sufficiently mitigated. When considering the impacts of the proposal though, it is accepted that minerals extraction has the potential to generate noise due to the use of heavy plant and HGV's. It is considered that in this instance the proposed development would not have an unacceptable impact on residential amenity and is consistent with NPPF paragraphs 187 (e), 198 and 224 (c), which state new development should not contribute to unacceptable levels of noise pollution and should ensure that the potential adverse impacts are mitigated with appropriate noise limits established. It is considered that if permission is granted for the extension area it should be subject to noise limit conditions in line with PPG for mineral development and the noise policy statement for England including a requirement for the operator to produce and implement a scheme to monitor and control noise from the operations which are in line with the PPG for mineral development. Due to the type of noise that would be produced by the operation it is considered that the site would produce the above Lowest Observable Effect Level (LOAEL) and therefore some form of mitigation is required. In this instance the conditions stated above would give sufficient mitigation to stop any significant impact from noise in relation to the application.
- 10.33. Blasting will be discussed further in the vibration section as the impact of noise from blasting is not something that can be controlled through condition or assessed in full due to the nature of a blast event. The relationship between blasting and pecking are interlinked and where blasting does not take place this would increase the amount of pecking and noise from this process. In relation to pecking there is an acknowledgement that pecking is an activity can bring noise however this is within the levels that are deemed acceptable for a minerals site as shown from previous noise monitoring at the existing quarry and is not considered to have a significant impact on residential amenity.
- 10.34. The application for the extension area also includes a specific Noise assessment in relation to Horses (ref. R22.11502/1/AP/ADD, dated 30 November 2022). This report states there are no standards for planning for noise in regard to livestock and in particular horses and states if the noise impact is considered acceptable for humans it is also likely acceptable for livestock. The report quotes "British Standard BS5502; Part 32: 1990 Buildings and structures for agriculture Part 32: Guide to Noise attenuation, which recommends that: *"In the absence of any quantitative level with regard to the effect of noise on animals it is recommended that the maximum duration of daily exposure should be 8 h per day at 90 dB(A). These are the standards applied to agricultural buildings which house animals."* It further states that control over frequency in relation to quarry noise within national guidance is only required in

relation to a significant tonal element to the noise generated, giving the example of reversing beepers. The report also states that stables are noisy places and horses become accustomed to noise when in a specific area. The report concludes that racehorses in stables in the surrounding areas are exposed to noisy environments on a regular basis and could expect levels of up to 70 dB at certain events they are exposed to, however does acknowledge that high frequency noises may impact horses.

- 10.35. The above section of this report has concluded there would be no significant effects on the amenity of local residents in relation to noise, it is therefore a reasonable assumption that noise would also not be an issue for racehorses in the local area. This is due to the worst case predicted noise levels for normal operations at the extension area at the closest stables at Whitewall Stables are 45 dB LAeq,1h. It is considered the conditions limiting noise in relation to residential properties (Conditions 11, 12 and 13) would sufficiently protect the amenity of racehorses. Furthermore the specific condition 10 in regard to the plant and machinery being required to be fitted with non-audible, ambient-related or low tone reversing systems would also protect the amenity of horses. This is in compliance with Malton and Norton Neighbourhood plan policy HRI2 in relation to the Horse Racing Zones and development area north of the quarry does not support development which would adversely affect horse racing zones in terms of safety of pedestrians, horses, rider of vehicles using the route network and is also in compliance with Policy D02 of the MWJP as would not cause any significant impact on residential amenity.
- 10.36. Therefore the development on the whole is considered to be compliant with Policy D02 of the MWJP in regard to noise and cumulative impacts, Ryedale Local Plan Strategy Policy SP6 and SP20, all of which seek to ensure that there are no unacceptable impacts on local amenity through new developments. In this instance it is considered that the application is consistent with Paragraph 198 of the NPPF as the development is considered appropriate for its location and any impacts from noise is able to be mitigated through conditions. In addition to this it is also considered that unavoidable noise from the site being able to be controlled, which is considered to be consistent with Paragraph 224 of the NPPF not have unacceptable impacts to local environments.

#### Air Quality

- 10.37. The application is supported by an Air Quality assessment (appendix 9) and Section IX of the Environmental Statement in regard to emissions. These documents contain measures to control dust and air quality from blasting to the surrounding community and provides a systematic approach to managing particulate emissions and dust dispersion within the application boundary. For the purposes of this application, air quality is most likely to be affected by emissions from plant and machinery and from the potential migration of dust associated with soil stripping, the winning, working and processing of stone and the deposit of materials to achieve the proposed restoration levels.
- 10.38. Within the Environmental Statement there is analysis of the impact on neighbouring properties in relation to air quality. The assessment takes into account the impact on Welham Wold Farm, Nab Wold, Welham Hall Farm & Golf Club, Whitewall and stable,

187 Welham Road, Brian Ellison Racing and stable, the public footpath 500m west and the national cycle route. The assessment states taking into account distance, wind direction, pathway effectiveness, dust impact risk and receptor sensitivity that although some properties are considered to be high risk in consideration of the receptor sensitivity, the magnitude of the dust effect would be “negligible effects” on all receptors. The report considers the impact of PM<sub>10</sub> emissions (in regard to the size of the air particles) stating the background mean for PM<sub>10</sub> at the site is 11.26 ug/m<sup>3</sup>, whilst at Whitewall stables it is 10.81ug/m<sup>3</sup>, which is less than the DEFRA guidance formula of PM<sub>10</sub> of 17ug/m<sup>3</sup>. The applicant also states that the existing quarry is included in the background data and it is likely that the extension area would not add to these background levels.

- 10.39. The information from the applicant in support of the application states conditions for the existing quarry were assessed and any potential changes in conditions resulting from the proposed extension predicted and mitigation measures identified. The Air Quality Assessment recommends a dust management plan for the extension area to effectively manage the air quality of the site, the dust management plan would include such measures as:
- use of clean water for dust suppression, to avoid re-circulating fine material,
  - high standards of house-keeping to minimise track-out and wind-blown dust,
  - a preventative maintenance programme, including readily available spares, to ensure the efficient operation of plant and equipment, and
  - effective staff training in respect of the causes and prevention of dust.
  - Soil stripping, stockpiling and restoration will be suspended in windy conditions, soil storage bunds will be watered and seeded at the earliest opportunity.
  - Blasting will be controlled by dust cowls and water spray bars fitted to drilling rigs.
  - Screening and Crushing units will include a water suppression system.
  - Drop heights to be minimised.
  - Monitoring requirements by the site manager on a daily basis, with a record of observations and actions taken, which can be inspected by the local authority.
- 10.40. Paragraph 10.22 above within the report gives an overview of MWJP policy D02 which is also relevant in regard to air quality, specifically in regard to dust. MWJP Policy D14 also states: *‘Proposals for mineral and waste development will be permitted provided that: (a) there are no unacceptable impacts on the intrinsic quality of air; and (b) there are no unacceptable impacts on the management and protection of air quality.*
- 10.41. Ryedale policy SP16 in regards to design requires developments to protect amenity and promote wellbeing and SP20 in regard to generic development management issues which states proposals should not have a material adverse impact on the amenity of present or future occupants through a development's design, use, location and proximity to other land uses, the policy also states development will be resisted where it would cause an unacceptable risk to human life, health and safety or property, with all sensitive receptors protected. Policy SP6 in regard to delivery and Distribution of Employment/Industrial Land specifically states minerals extraction processes are required to not adversely affect the amenity of neighbouring occupants of the site in line with policy SP20. SP17 is also relevant in regard to air quality being required to be protected and improved with development only being permitted if the

individual or cumulative impact on air quality is acceptable and appropriate mitigation measures are secured.

- 10.42. In terms of the NPPF paragraph 135 in regard to creating safe places which include a high standard of amenity for all users and 224 Point b) and c) giving great weight to the benefits of mineral extraction, including to the economy which should ensure that developments have no adverse impacts on human health and that *“any blasting vibrations are controlled, mitigated or removed at source”*. The National Planning Practice Guidance (PPG) supports the national policy contained within the NPPF, the relevant guidance in relation to air quality and dust for the determination of this application can be found within the ‘Air Quality’ section. The PPG explains *‘whether or not air quality is relevant to a planning decision will depend on the proposed development and its location, concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor*. It further expresses that *‘When deciding whether air quality is relevant to a planning application, consideration could include whether the development would: expose people to harmful concentration of air pollutants, including dust’*.
- 10.43. Within Malton there is an Air Quality Management Area (AQMA), which the latest report in 2021 shows that within this area there has been a general downward trend in the results from monitoring sites within this since 2012/13 and states *“this is most likely due to a combination of vehicle emission improvements and the increased use of the Brambling Fields A64 junction, and due to the COVID-19 in 2020”*. The report states that the area will be kept under review until it can be shown that compliant concentrations are stable over a sustained period.
- 10.44. The application currently includes objections in regard to the impact of dust, how this would affect the health of residents due to additional vehicle traffic and air pollution, with specific concerns about the proposal increasing emissions in the AQMA. However also includes support in representations in relation to the existing site adhering to environmental standards in regard to dust reduction and minimising the impact on residents. In relation to the AQMA all HGVs from the site are not able to enter this zone, due to a Traffic Regulation Order and instead travel towards the Brambling fields junction if turning right out of the site down Welham Road. In regard to the AQMA it is reasonable to state that as quarry traffic is not able to travel through the AQMA that this proposal would have no impact on the emissions in this location. Wider impacts of the emissions from HGV’s have been included in the application details and it is not considered that should permission be granted there would be increased HGV levels in the area to above acceptable levels and would continue the level of movements which has taken place from the quarry in recent years. The Highways Authority has also stated that there is capacity in terms of highways on Welham Road for the maximum 240 HGV vehicle movements proposed in relation to minerals extraction through condition 18, for the totality of the Whitewall Quarry site (consolidation application NY/2023/0195/ENV included). In regard to this number of HGV movements the Environmental Health Officer (EHO) has stated that the information in regard to HGV movements would be acceptable in terms of residential amenity if a condition is added to any permission limiting the maximum movements, stating the applicant’s information shows this figure has only been reached once or twice in the last five

years. The EHO also requests the Construction Environmental Management Plan (CEMP) to be conditioned (which is condition 17 in the schedule) and the routing agreed to be secured which would be done through the S106 agreement. Therefore it is not considered that the proposal would have a significant impact on the amenity of residents on Welham road of the local area specific from HGV movements at the site.

- 10.45. There has also been no objection from the EHO on the grounds of dust impacts, which requested the same dust control measures as currently secured at the wider site to be secured for the extension area. The existing conditions for the wider Whitewall site include requirements of spraying of roadways, hard surfaces and stockpiles, discontinuance of soil movements during periods of high winds, sheeting of vehicles, wheel wash facilitates and reducing the impact of manoeuvring areas. It is considered that a dust management plan should be conditioned (condition 9) to make sure robust mitigation would be in place aimed at controlling the adverse effects of dust on air quality, which would focus on the management, control and suppression of dust. This is in accordance with policy D02 of the MWJP, SP17 and SP20 of the Ryedale Local plan, as this condition would ensure a systematic and accountable approach to minimising dust emissions, safeguarding local amenity and maintaining environmental compliance within the application site.
- 10.46. The design of blasting and other operations required to be detailed within the Dust Management Plan would contain the effects of dust predominantly within the immediate blast area and quarry itself. Furthermore, the plan would ensure the commitment to promptly submit and implement additional control measures if deemed necessary, demonstrating proactive management and maintaining the continued wellbeing of the local community. There would also be a requirement to minimise dust emissions, especially during high winds, as the site would implement measures such as spraying roadways and stockpiles, as well as discontinuing soil movements in windy conditions. In accordance with D14 of the MWJP and SP6, SP16 and SP20 Ryedale local plan the implementation of these dust suppression measures would help mitigate the effects of dust and stop any unacceptable impacts from dust by trapping and reducing airborne particles, thereby minimising dust dispersion into the surrounding area, protecting its amenity. Specifically in regard to SP20 of the Ryedale local plan it is considered that the development due to the mitigation proposed would not have a material adverse effect on amenity or cause an unacceptable risk to human life. The mitigation measures would reduce the potential for dust related disturbances and health issues within the local community.
- 10.47. Malton and Norton Neighbourhood plan policy HRI2 is in regard to Horse Racing Zones and the area to north of the quarry is included within this, this policy states development which would adversely affect horse racing in terms of safety of pedestrians, horses, rider of vehicles using the route network would not be acceptable. In terms of the air quality and dust impact within the Environmental Statement Air Quality assessment there is specific reference to the potential impact on racing stables in regard to dust which takes into account dust thoroughbred racing horses are commonly exposed to and comparing this to the background and proposed development of the site. The applicant notes that there is no scientific information to evaluate the effects of dust on horses, however, has identified five stables within 1km

of the application site boundary and took into account any relevant studies, which are mainly in relation to dust from bedding and feed. The conclusions were that horses are exposed to high levels of dust in the stables environment and have natural defences against upper and lower respiratory tract irritants in regard to dust. It was also found that minerals dust arising from the proposed development is dissimilar to dust ordinarily found in stables environments. In this instance it is considered the applicant has provided sufficient justification for the proposed development does not have a significant impact on the horse racing industry or horses' health specifically as the contribution the quarry makes to the particulates in the area are likely to be very low and that stables can generally be very dusty areas approximately 50 times higher than background dust dependant on feed, bedding and the management of the stables. It is therefore not considered that the proposed development would have an impact on horses in relation to dust and is in compliance with the Neighbourhood plan policy HRI2.

- 10.48. The robust condition which would be in place aimed at controlling the adverse effects of blasting on air quality would come in the form of condition 9 which would suppress, control and monitor dust. Taking into consideration the information provided, the impact of the development in regard to air quality would be acceptable and in accordance with, Policy D02 and D14 of the MWJP, Ryedale Local Plan policy SP16, SP17 and SP20 as well as national policy contained within the NPPF and PPG by ensuring a systematic and accountable approach to minimising dust emissions, safeguarding local amenity and maintaining environmental compliance within the application site, which is also supported by there being no objection from the Environmental Health Officer.

#### Vibration

- 10.49. The effect upon the character of the area and the amenity of adjoining occupiers has been investigated in the application and a Vibration Assessment (Vibrocheck Report) has been submitted as Appendix 10 of the Environmental Statement, Section IX in regard to Emissions also considers vibration. The application documents have predicted the effects upon the amenity of the closest properties to the southern extension of the quarry. The previous applications at the quarry have included blasting and this has required monitoring at two locations one being a cottage on Whitewall which measures blast effects at a representative location for dwellings at the nearest habitable area of a significant size, which is location between 650m and 900m from the quarry face, the other is on the Yorkshire Water main running across this extension area, with the intention to gauge the effects of vibration on this structure. The application states Welham Wold Farm the nearest habitable building to the extension area would be added in relation to this extension application.
- 10.50. The Vibration Assessment indicates that blasts have been designed taking into account the inhabited properties surrounding Whitewall Quarry and the extension area proposing the allowable maximum instantaneous charge weight of 8mms, which is the previously approved level at the existing Whitewall quarry site. The report states keeping this restriction level would comply with the British standard guide BS 6372-2:2008, which is a UK standard providing guidelines for evaluating human exposure to vibration in buildings and that low ground vibration levels accompanying air



overpressure would be at a safe level. The report also confirms that at this level the proposed blasts would be safe in regard to the integrity of structures and also takes into account human perception.

- 10.51. The Vibration Assessment states in regard to this application for the extension Welham Wold Farm is the only receptor with potential impacts from vibration being approximately 300m from the quarry extension area, with all other receptors over 500m from the site. The other receptor is the Yorkshire Water pipeline running underground through the extension area which would be removed at some stage during the extraction process. The Vibration report also takes into account the impact of blasting on Horses. The conclusion of the report is that the existing blast design for the quarry would continue to be acceptable with 8mm/s, for any residential dwelling and would have no impact on the horse racing industry, which is in compliance with the Neighbourhood plan policy HR12 in regard to the horse racing area.
- 10.52. In regard to the water mains the report states there would be no impact from blasting which would allow working to continue to take place until it is required to be re-located. The applicant proposes no additional mitigation in regard to blasting operations as the current design would meet the criterion for residential building and the water pipeline, with blasting operations in the applicant's view having been assessed to be "not significant". The report recommends that the existing condition for the existing quarry site is replicated for the extension area and that blasting is continued to be monitored at nearby sensitive properties, which is condition 15 in the attached schedule. The report also recommends monitoring takes place at the water main to inform future blast data which will be included in the blast monitoring scheme condition 16 but would not have a specific criterion level of acceptability as is stated not deemed necessary.
- 10.53. Policy D02 of MWJP states where it can be demonstrated that there will be no unacceptable impact on the amenity as a result of noise, dust, vibration or emissions to air, with proposals being required to first "*prevent adverse impacts through avoidance*" and where this is not possible use "*robust mitigation measures*". Part 2 of the policy states applicants are encouraged to engage with local communities in regard to proposals. Ryedale local plan Policy SP16 in regard to design this states a requirement to protect amenity and promote well-being. In addition to this Policy SP20 in regard to general development management issues is also relevant however vibration is not stated in the policy wording it is considered to be included as an amenity issue, which to be acceptable are required to "*not have a material adverse impact on present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses*". The policy also requires development to be resisted where it would result in an unacceptable risk to human life, health and safety or unacceptable risk to property. Policy SP6 also states minerals extraction processes are required to not adversely affect the amenity of neighbouring occupants of the site in line with Policy SP20.
- 10.54. In terms of the NPPF paragraph 135 in regard to creating safe places which include a high standard of amenity for all users and 224 Point b) and c) giving great weight to the benefits of mineral extraction, including to the economy which should ensure that

developments have no adverse impacts on human health and that *“any blasting vibrations are controlled, mitigated or removed at source”*. PPG for Minerals gives guidance on how this should be implemented stating Minerals operators are encouraged to collaborate with the local planning authority to develop a programme of work. This programme should consider the potential impacts on the local community and environment (including wildlife), the proximity to occupied properties, and operational needs throughout the duration of the operations.

- 10.55. The application includes objections in relation to the impact of vibration and air overpressure from blasting. It is the officer view that with the conditions as stated this would minimise the impact of blasting and control the impact of vibrations and air overpressure on the local surroundings, taking into consideration the levels of vibration and impact on nearby residents of the site and these levels are within the levels outlined within the British Standard 6472-2: 2008, which is a UK standard providing guidelines for evaluating human exposure to vibration in buildings. Therefore, it is considered that no issues would be anticipated to arise from vibration to nearby properties in the vicinity, as long as within the extension site blasting is kept below the recommended vibration criterion at residential properties, of 8mms-1 at a 95% confidence level at the given separation distances. The conditions limiting blast levels, blasting hours and a monitoring scheme would provide ongoing oversight of blasting activities, ensuring that any potential vibration issues are promptly identified and addressed. This is considered in compliance with Ryedale Policy SP20 as the Vibrock report and proposed mitigation show that the blasting would be able to sufficiently controlled to limit any material adverse impacts to any present or future occupants or users of neighbouring land or buildings and at the levels proposed would not result in an unacceptable risk to human life, health and safety or an unacceptable risk to property.
- 10.56. The Environmental Health Officer has reviewed the application, considering the Vibration Assessment and accepts its findings, recommending that the conditions in place at the existing site are upheld and continued in the new extraction area, with condition 15 being in the attached schedule, with limits for the nearest residential property to a peak particle velocity (ppv) of 8 mm per second in 95% of all blasts measured over any continuous 12 month period. Although the EHO has stated the conditions from the previous application for the existing whitewall site should be replicated on this extension it is the planning officers view that the conditions in regard to blasting should though be updated to current standards for the extension area and give further mitigation than at present on the existing quarry site. This includes requiring specific blasting hours of operation which limit the extension area to only allow blasting Monday to Friday 09:00-16:00, further protecting the amenity of the area (condition 14). The recommendations within the applicant’s vibration assessment state blast monitoring should continue within the extension area and it is considered that this should be secured via condition and the submission of a blast monitoring scheme to give the required detail in relation to this (Condition 16 in the schedule).
- 10.57. The above mentioned three conditions (14, 15 and 16) would give sufficient mitigation to limit the impact of blasting on the surrounding area, to a level with no unacceptable impacts. The second part of Policy D02 (2) states that applicants are

encouraged to conduct early and meaningful engagement with the local community and to reflect the outcome of those discussion in the design of proposals. In this respect, paragraph 10.31 outlines the approach the applicant took in regard to public engagement which is deemed acceptable in this instance. It is considered that the proposed development of blasting within the extension area cannot avoid vibration due to the nature of the process, however as it would not give any unacceptable impacts and has robust mitigation measures to control the blasting process therefore is considered compliant with Policy D02 (1) of the MWJP.

- 10.58. The development is also considered to be consistent with paragraph 135 of the NPPF, as the proposed development would maintain a safe environment not compromising health and wellbeing and ensuring high standard of amenity for all. The proposal is also consistent with the NPPF paragraph 224 as the conditions attached would control and mitigate the impact of vibrations from blasting, which in this instance cannot be removed at source. The measures that would be placed to control these vibrations are considered to meet the six tests outlined in Paragraph 57 of the National Planning Policy Framework. They are necessary to limit the impact on amenity, relevant to the specific working at Whitewall quarry, and the development to be permitted. Additionally, they are enforceable, precise, and reasonable in all other respects. Each condition has been evaluated to ensure compliance with these criteria. It is also considered that the conditions to be attached to any permission would include the requirements as stated by the Environmental Health Officer with further restrictions deemed necessary for compliance with MWJP policy D02 and NPPF paragraph 224.
- 10.59. Provided that blasting and the vibration and air overpressures from this process are controlled through conditions 14-16, it is deemed that the application is acceptable in regard to vibration and that the proposed development would not cause any harm to buildings due to being within acceptable limits and not causing material adverse effects to any sensitive receptors including Welham Wold Farm and the Yorkshire Water mains, with no risk to property or infrastructure. The removal of the water mains is not to be controlled or secured through this application and consideration in relation to this is between the applicant and water provider. In conclusion, notwithstanding the objections in relation to vibration the application is supported by evidence showing minimal impact on the surrounding amenity when the effects of vibrations are controlled and mitigated, which is further supported by being deemed acceptable from Environmental Health Officer. Therefore, it is considered that the proposal is in accordance with Policy D02 of the MWJP and policies SP6, SP16 and SP20 Ryedale Local Plan and consistent with paragraphs 135 and 224 of the NPPF.

#### Highways

- 10.60. The MWJP allocated site document (MJP12) states traffic impact including HGV use of local roads, the Yorkshire Wolds cycle route and Malton and Norton highways as key sensitivities in regard to any proposed development and further states the requirement for an *“An appropriate transport assessment to ensure suitable arrangements for access onto Whitewall Corner Hill road and on local roads, including an appropriate traffic management plan that reflects the volume of traffic using the site in connection with the development and other activities taking place within the quarry site.”* It is considered that the applicant has submitted the information required in relation to this site allocation with the Transport statement analysing routes and the

destination of quarry traffic for a period of nine months and also provides a traffic management plan (Appendix S4). The application includes a transport statement as Volume 3D (Appendix 11) of the Environmental Statement, within the Environmental Statement there is also Section X on Traffic and Public Rights of Way. The application includes five highways' receptors, Whitewall Corner Hill, Welham Road (which is split into northern and southern extents), Welham Hill, Church Street and Castlegate. The applicants report states the application is not likely to give rise to any significant environmental transport effects in relation to these specific receptors.

- 10.61. As previously stated in paragraph 10.9 the allocation of the site within the MWJP (MJP12) states the average HGV numbers in relation to the allocated site would be 100 HGV Movements (50 each way). The applicant has stated that their view is that this is an average figure, not a maximum figure. In the proposed development as submitted this is 120 movements (60 each way) on average, which is considered a departure from the MWJP allocation site document. The reason for this increase is linked to the increase in the annual output of the site in the allocation document being 250,000 tonnes per annum, whereas this application is for 300,000 tonnes per annum. This 120 vehicle movements average per day and the 300,000 tonnes of minerals to be exported per annum from the site is above the site allocation document number and has been deemed a departure from the MWJP allocation document. Through the application process and consultation with the LHA it was considered a condition to control the number of HGV's entering and leaving the site was necessary to give further control of the site. Due to this requirement since the original submission the applicant has provided a Supplementary Transport Statement (July 2024) and a Traffic Technical Note (September 2024) and a Travel Plan (Appendix S5) have been produced with information in relation to trip generation and trip distribution. The applicant included Table 7 titled existing site at maximum capacity: annual average trip generation in the updated transport statement in July 2024 that information in full split to each type of activity at the site not as a maximum but on average which states:

**Table 7: Existing Site at Maximum Capacity: Annual Average Trip Generation**

Activity	Tonnes Per Year	Average Tonnes Per Day	Average Loads Per Day	Annual Average Two-Way Daily Trips	Annual Average Two-Way Hourly Trips
<b>HGV Exports</b>					
Limestone (maximum)	300,000	1,200	60	120	12
Recycling	25,000	100	5	10	1
Panel Plant	11,500	46	2	4	0.4
Concrete Plant	54,000	216	20	40	4
<b>TOTAL</b>	<b>390,500</b>	<b>1,562</b>	<b>87</b>	<b>174</b>	<b>17</b>
<b>HGV Imports</b>					
Concrete Plant (includes panel plant)	39,750	159	8	16	16
Recycling	Backhaul only				
<b>TOTAL</b>	<b>39,750</b>	<b>159</b>	<b>8</b>	<b>16</b>	<b>16</b>
<b>GRAND TOTAL</b>	<b>430,250</b>	<b>1,721</b>	<b>95</b>	<b>190</b>	<b>33</b>

- 10.62. The application documents state that in terms of HGV movements in relation to limestone extraction there would be on average 120 movements (60 each way) for exportation only, with approximately 47 arriving/departing from the south via Welham Hill and approximately 73 arriving/departing from the north via Whitewall Corner Hill. The applicant states if a maximum figure is to be stated this is required to be 240 movements per day (120 each way) for HGVs in regard to minerals extraction.
- 10.63. The relevant policy in regard to highway matters is MWJP Policy D03: Transport of minerals and waste and associated traffic impacts, which supports proposals where road transport is necessary, providing there is capacity within the existing highway network for the level of traffic proposed, and the nature, volume and routing of vehicles would not have an unacceptable impact on local communities and other users of the highway network, access arrangements are appropriate to the predicted levels of vehicle movements, and there is adequate on-site manoeuvring, parking and loading/unloading space. Within the Ryedale local plan the relevant policy in regard to minerals development and transport is SP6 in regard to Delivery and Distribution of Employment/Industrial Land which states industrial processes in open countryside locations would be supported where they can be satisfactorily accommodated on the highways network and will not lead to significant adverse highways impacts.
- 10.64. NPPF paragraph 115d) states it should be ensured that *'any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.'* NPPF paragraph 116 states that *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'* NPPF Para 118 requires all developments with significant amounts of movements to include a travel plan and be supported by a vision led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.
- 10.65. A significant proportion of the concern from residents is in relation to the numbers of HGV movements in relation to the Quarry, not just in terms of the extraction but the impact of other operations of the site, which will be considered in the consolidation application. The proposed extension has though also received support letters stating that there are no significant traffic issues. Although the cumulative impact is required to be considered, first there is a requirement to focus on the impact of the mineral's extraction and the HGV movements in relation to this application for a physical extension to the existing Quarry.
- 10.66. In regard to HGV numbers it is considered the information provided is acceptable in assessing the impact of the proposed extension on the highways network in relation to the average of 100 movements (50 each way) and also the now higher limit proposed of an average of 120 movements (60 each way). The technical note submitted in September 2024 along with the other information shows that the HGV numbers requested in relation to minerals extraction can be accommodated on Welham Road and that with an average of 120 movements (60 each way) per day Monday to Friday and an average of 60 movements (30 each way) on a Saturday there would be no significant impacts on the highways network or amenity of local

residents from HGV movements. It is though acknowledged due to the nature of the supply of minerals there are times when demand is higher and operations could for periods of time be over the average figure of 120 movements (60 each way). It is considered in this instance liaising with the applicant, the LHA and taking into account the information provided within the July 2024 supplementary highways statement show that this increase on average from the allocation document of 20 extra movements (10 each way) per day and 50,000 further tonnes per annum exported can be accommodated at the site and reiterated in the technical note that a maximum HGV limit of 240 movements (120 each way) per day Monday to Friday, 120 movements (60 each way) on a Saturday and no movements on a Sunday or Bank Holiday gives sufficient flexibility to the applicant to go above the average movements stated and would still be acceptable in regard to the impact on the highways network. The LHA require a maximum HGV figure to be conditioned to confirm that the operation would not throughout the lifetime of the development have a negative impact on the highways network. The information provided by the applicant shows that the highways network has capacity for additional movements above the stated average. The Environmental Health Officer has also confirmed that this level of HGV movements would not have a significant impact on the residential amenity of Welham Road. Therefore it is considered reasonable to attach condition 18 limiting the vehicle movements to the site.

- 10.67. Furthermore to work in conjunction with condition 18 in terms of HGV numbers, condition 19 limits the throughput of the site to 300,000 tonnes per annum. This gives the planning authority further control of the site and would limit the site to HGV numbers per annum averaging out at 120 movements (60 each way). Once the applicant had exported 300,000 tonnes in an annual period, the applicant would not be able to export any further minerals from the site. Also note that the application is for two million tonnes of mineral to be extracted in an 11 year period, if the annual output is 300,000 tonnes the extension area would be fully extracted in just over seven years, which is less than the proposed period of 11 being applied for. It is considered when weighing the application in the planning balance the two conditions in place together sufficiently mitigate any significant impacts in relation to the HGV movements on residential amenity and the highways network which has sufficient capacity which is consistent with the NPPF paragraph 115(d) and also 116 as the development with conditions 17-23 would not have an unacceptable impact on highways safety along with the need for the minerals in this location. As the proposed development is not considered to give rise to any significant environmental transport effects it is also in compliance with MWJP policy D03.
- 10.68. Whitewall Quarry has been operational for many years and the same access is also proposed to be utilised for the extension area. It is considered that the access is acceptable for the number of HGV movements stated and there is adequate room for entrance, exit and manoeuvring of the HGVs using the site. There are existing wheel washing facilities which will be required to be used before vehicles leave the proposed extension site. A Construction Management Plan was requested by the LHA and this has been provided and will be conditioned as 17 in the schedule. There would also be condition 21 in relation to mud on the road, Condition 22 in relation to HGV sheeting in the interests of road safety and the amenity of the area and condition 23 in regard highways access only being from the existing site. It is considered these conditions and existing practices being carried forward to the new extension area would be acceptable and in compliance with D03 of the MWJP or

SP16 in relation to highways as would not have an unacceptable impact on local communities or adverse highways impacts.

- 10.69. To further support the above the application includes a HGV management plan with recommendations to manage the traffic at the extraction area it is considered this along with a routing agreement would be required to be secured through the S106 agreement. This would outline the split of the direction of travel of HGV's and give good practice guides to drivers, also including a plan of acceptable routes out of the site entrance (which would be used by both the existing site and extension area).
- 10.70. In relation to the cumulative impacts of the wider existing Whitewall quarry site, taking into account the concrete plant, recycling and further extraction in the existing quarry, the applicant has justified that the highways network has the capacity for 380 movements (190 each way) Monday to Friday and 190 (95 each way) on a Saturday. In terms of the cumulative impact of minerals extraction and additional HGV movements from the existing site consolidation application (NY/2023/0195/ENV) and the new extension this would be minimal as the working plans in relation to the consolidation application scheme show the remaining mineral in the existing site to be extracted once the new extension area is complete as the last phase of development of the wider quarry before restoration is complete. Therefore there are very limited cumulative impacts in terms of two minerals extraction operations running concurrently. Taking into account the planning balance the residual cumulative impacts to the road network in this instance would not be classed as severe and the development should not be refused on highways grounds as per the NPPF paragraph 116. This is also supported by D03 of the MWJP and SP16 of the Ryedale local plan which requires there to be capacity in the network and not cause significant highways impacts.
- 10.71. Taking this into account the information from the applicant also shows that a limit of 240 (120 each way) for aggregate HGV's has only been exceeded on a few occasions (approximately less than 10 days from the bar graph as shown in the technical note).
- 10.72. The Local Highways Authority consider that the highway has ongoing capacity for the proposed number of HGVs stated in relation to the extension. Therefore the proposed development meets the allocation requirements of the MWJP MJP12 including appropriate transport statements which show suitable arrangements for access onto Whitewall Corner Hill and traffic volumes on local roads including a traffic management plan. With the proposed mitigation in terms of conditions and improvements to sections of the local highway network it is considered that the proposed development, with the above stated mitigation is consistent with local policies SP16 of the Ryedale local plan and D03 of the MWJP, and national policy and is acceptable in the planning balance.

#### Landscape and Visual Impact

- 10.73. The application site as stated in the MWJP Appendix 1 allocated site document (MJP12) identifies a key sensitivity to be the Landscape and visual intrusion issues, including: on the town and landscape features including the ridgeline, and cumulative impact of quarrying, with any application being required to mitigate of impact on right of way users and other recreation activities in the vicinity including the route of the Yorkshire Wolds cycle route. Due to the sensitivity the allocation of the site includes a

requirement of the southern half of the extension area allocation is to be planted for screening purposes and would not be extracted, the application has been submitted with this screening proposed to be implemented. Appendix 5 of the submitted Environmental Statement is a Landscape and Visual Assessment (LVIA) which includes an assessment of the landscape and viewpoints associated with the extension area for the quarry over the 11 year period, with accompanying figures in Appendix ES5. The Environmental Statement also includes Section VI in relation to Soils, Contamination, ground stability, landscape and visual impacts. The existing quarry and the extension area are on the edge of the Wolds area of high landscape value, which is a local non-statutory landscape designation, however Natural England are currently consulting on the Yorkshire Wolds becoming a National Landscape (formerly these were Areas of Outstanding Natural Beauty) of the site is also on the edge of the current boundary of this designation.

- 10.74. The LVIA states the extension area lies within the Wolds Area of High Landscape value which is a non-statutory local landscape designation and the landscape character is considered to be moderate, with an overall sensitivity of landscape receptors also considered moderate. It states the landscape character has some ability to accommodate the types of changes from this proposed development with limited harm. During extraction operations for the extension area there would be major adverse with a partial loss of existing landscape character, with a moderate sensitivity of landscape receptor resulting in a large-moderate adverse significance of landscape effect. However stated 5-10 year post restoration the magnitude would be major beneficial with the restoration and nature conservation afteruse, with a medium sensitivity of landscape receptor in a large-moderate beneficial significance of landscape effect.
- 10.75. In terms of visual effects the LVIA states the main view of the site is to the south across rural land with few visual receptors. The quarry lies on a ridgeline and views of the site are restricted from higher ground to the north from Malton, including the conservation area and intervening woodland. The LVIA also states there would be no harmful effects on the Listed buildings of Whitewall House and Whitewall Cottages, the Scheduled Monuments at The Three Dykes and West Wold Farm or any Conservation Areas. It is considered in terms of visual impacts the LVIA states there would also be no harmful visual effects from the Howardian Hills AONB (now National Landscape) due to substantial screen planting along the western boundary including tree belts and wood along the boundaries screen views from the west and south west with potential for partial long distance views from high ground in the Howardian Hills to the west. Although the Yorkshire Words is not currently a statutory designation it does have a local designation and the visual effects range from moderate to slight neutral during operations to neutral post restoration and states there would be no long term harmful visual effects. The Council's Landscape Officer generally agrees with the overall method and scope of the LVIA however states the large-moderate beneficial significance 5-10 years post restoration is overstated given the sensitive context and high value of the original landscape, with a neutral effect after 15 years seeming more realistic.
- 10.76. The relevant policy in relation to Landscape includes MWJP Policy D06: Landscape and RLPS policies SP6 Delivery and Distribution of Employment/Industrial Land and Premises and SP13: Landscapes both of which require the protection of landscapes



and that there would be no unacceptable impact on the quality or character of the Landscape when mitigation measures have been taken into account. NPPF Paragraph 187 promotes the protection of the landscape and character of the countryside. A further relevant policy in regard to this application is Ryedale Policy SP13 which designates the Wolds area of an area of high landscape value, the application site and wider quarry are shown as within this locally designated area. In regard to this local designation the policy states *“The Yorkshire Wolds and Fringe of the Moors are valued locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield.”* The landscape character area which could be impacted is the Yorkshire Wolds, which is currently being considered for being designated as a National Landscape (formerly named Area of Outstanding Natural Beauty (AONB)). At present there is a consultation on the boundaries of the proposed Yorkshire Wolds National Landscape and the existing quarry and allocated site subject to this application are outside the proposed Yorkshire Wolds area but is located immediately adjacent to the proposed designation. There is a requirement in the levelling up and Regeneration Act (2024) to seek to further the purpose of conserving and enhancing the natural beauty of protected landscapes such as this draft National Landscape, currently out for consultation. The relevant duty requires the authority to take reasonable proportionate steps to further the statutory purposes of protected landscapes and seek to avoid harm and contribute to the conservation and enhancement of their natural beauty, with measures embedded in to the design of proposals where reasonably practical and operationally feasible.

- 10.77. A further relevant policy is Ryedale Local Plan SP15 in regard to green infrastructure networks, specifically protecting and enhancing the quality and integrity of the Yorkshire Wolds corridor, including public rights of way, hedgerows, woodlands and biodiversity. The Malton and Norton Neighbourhood Plan Policy E4 in regard to Green and Blue Infrastructure requires development not harm the role of these areas and must demonstrate they would not harm the role of these areas in regard to wildlife, amenity and recreational networks, describing how they would contribute to enhancements of the green and blue infrastructure. In regard to this the extent of the existing Whitewall Quarry site and the allocated proposed extension site subject to this application are within the area classed as green and blue infrastructure on the Neighbourhood Plan proposals map. Malton and Norton Neighbourhood plan policy HRI3 in regard to improved accessibility to the Horse Racing Industry is also relevant in regard to bridleways around the site.
- 10.78. There is an objection in relation to the impact of the site in terms of the farming landscape and local scenery and on the cumulative impact of the quarry. It is considered that the proposed extension area screening and views into the site from the surrounding area during operations would not have an unacceptable impact on the landscape, including the proposed Yorkshire Wolds, it is considered that the landscape information in support of the application is acceptable in confirming that the application would seek to avoid harm and contribute to the enhancement of the proposed National Landscapes natural beauty, through the advance planting south of the extension area and the gapping up of the hedgerows parallel to Welham Road. In addition to this the proposed phased restoration scheme to agriculture would create a grassed landform which would blend in with the surrounding landscape and in the

long term have a positive impact on the environment. This is supported by Natural England, who have not objected to the proposed development considering it unlikely to have any significant adverse impacts but noted in their response make note of the Yorkshire Wolds and the application should minimise impacts on the landscape and secure improvements through the advance planting condition. The Landscape Officer also states that there would be potential for cumulative impacts on the landscape if phased and progressive restoration does not take place at the extension area and therefore condition 38 in regard to a detailed phasing scheme which is linked to the restoration and aftercare of the site to secure the progressive restoration and limit any cumulative impacts from the site.

- 10.79. Policies M09 and M15 of the MWJP acknowledge that mineral can only be extracted from areas where it is located. The proposed site is an extension to an existing quarry and it is not considered that this proposal would significantly increase its impact on the surrounding landscape, apart from the length of time being extended for extraction at the site. Whilst there would be some impact on the landscape as stated in paragraphs 10.75 and 10.76 in the short term until extraction and restoration is complete, screening is in place to minimise the visual impact of the site on the landscape and overall the proposal meets the principles of policy SP13 through protecting existing landscapes and ensuring that restoration will be undertaken to reinstate, reinforce and improve landscape character to the site upon completion of mineral extraction. This is further supported by condition 37 which would require the advance planting and gapping up of hedgerows to be provided prior to the commencement of phase one of extraction activities, which was required by the Landscape Officer. Policy SP13 of the Ryedale Local Plan seeks to ensure that developments protect and enhance the distinctive elements of landscape character, this proposal through its mitigation measures and position in the landscape is considered to protect the local landscape, the surrounding hills and valleys due to the topography of the site, the use of screening bunds and advance planting.
- 10.80. Although the extension to the quarry amends the landform of the area it would not appear incongruous and its topography would fit within the landform of the area as to the north of the application site there is already the quarry void, this extension would extend the landform of the void south taking it closer to the Yorkshire Wolds designation, however with the tree planting to be completed south of the extraction area as these grow it will in time screen the application site from view from the higher land further south within the Yorkshire Wolds proposed designation. In the residential amenity section of this report the impact of noise, dust and vibration is considered which are all deemed to be acceptable in terms of impact on the area and it is therefore considered that the proposed extension to the quarry is of an acceptable level and an appropriate type of activity for the location as would not significantly impact the tranquillity of the landscape. This is supported by the Landscape Officer who after the receipt of further information that conditions and S106 agreement are required to show a progressive restoration and long term management which would protect landscape qualities in proximity to the site protected, with adverse effects minimised and would resolve any Landscape concerns. The Landscape Officer has agreed that the landscape details could be secured by suitably worded conditions, which gives the opportunity for the approved scheme to be reviewed if requested by the planning authority. The Landscape Officer also required a lighting scheme to limit the impact on the surrounding area, in this instance it is considered that condition 36

in regard to lighting is sufficient with the existing site having no issues in relation to lighting and there being no comments in regard to lighting from the Environmental Health Officer.

- 10.81. The Landscape Officer has stated requirements for a comprehensive scheme for management and restoration of the site, which is to be secured by condition 28 (LEMP), condition 37 (advance planting) condition 38 (restoration scheme) and 39 (Aftercare Scheme). Furthermore Policy D06 of the MWJP states that development should not adversely impact on the landscape, and if it does a high standard of design and mitigation needs to be employed to ensure the landscape is not adversely affected in the long term. Policy D06 of the MWJP seeks to protect landscapes from harmful effects and supports proposals where there would be no unacceptable impact on the quality. It is considered, the proposal would not have an unacceptable impact of the landscape and the proposed measures through condition would minimise the impact by the construction of temporary soil storage/screening mounds for the operational and restoration phases and the planting of a hedgerow would be acceptable.
- 10.82. The Landscape Officer agrees with the visual assessment, however notes this is in regard to the current AHLV land designation and if the Worlds were designated as an AONB (National Landscape) this would be a material consideration and the overall sensitivity and impact of the development would be of greater significance. In relation to the impact on the Yorkshire Wolds and the duty to further the purposes of the National Landscape as required by LURA (2023) it is considered that the woodland planting south of the scheme would screen the site and enhance the area, the proposal also includes the gapping up of existing hedgerows on Welham road to better screen the extension area and secure improvements also. It is considered that the benefits of the proposal extending an existing minerals site, extracting a viable minerals resource outweigh any minor impacts from the further extraction area on the Yorkshire Wolds and surrounding landscape which are stated in objection to the proposed development. This is in compliance with SP15 of the Ryedale Local Plan and E4 of the Malton and Norton Neighbourhood plan as the information included within the application demonstrates it would not have harm the character of the area or have a negative impact on the open space.
- 10.83. Policy D10 of the MWJP deals with reclamation and aftercare of mineral and waste sites ensuring they are carried out to a high standard and, in terms of minerals extraction, deliver a more targeted approach to restoration that is relevant to the scale, nature and location of sites. The restoration scheme for the quarry would include a range of nature conservation land uses. Screening is in place on the site to minimise the impact on the landscape and the restoration scheme seeks to provide enhancement to the landscape in the long term by the creation of different habitats through inclusion of hedgerows. The Landscape Officer also recommended a requirement for a detailed landscape maintenance and management plan (LEMP) which is proposed to be secured by Condition 28. The LEMP working with the restoration scheme and aftercare scheme should differentiate restoration at each working phase including ongoing maintenance for the advanced landscape works and preceding restored phases, to be maintained throughout the operational phase of the quarry, then at least 5 years after the final phase of restoration (or inclusive within the post-completion BNG maintenance management period, whichever is the greater).

- 10.84. Paragraph 187 of the NPPF highlights that planning applications should conserve and enhance biodiversity and landscape; in this instance the restoration scheme is designed to improve the landscape and habitats on the extension area in the long term, taking into account the previous working at the existing site which has already been completed and tying the restoration scheme for this new area into the existing sites. It is also therefore consistent with paragraph 224 of the NPPF states that planning authorities should provide for restoration and aftercare.
- 10.85. Malton and Norton Neighbourhood plan HRI3 is in relation to improved Accessibility to the Horse Racing Industry and the bridleways/cycle routes in proximity to the application site are HRI3-3 Whitewall/Bazeley's Lane (Ref 25.70/14/1), HRI3-4 Footpath: Bazeley's Lane to Spring Cottage Stables (Ref 25.70/15/1) and HRI3-7 National Cycle Route 166. It is considered that HRI3 and HRI4 would have no views of the proposed extension area due to the topography of the area and the residential properties between the bridleways and the site, therefore would not be impacted and no analysis of the contribution of this development to the bridleway network is required in relation to this. In relation to HRI7 the national cycle route runs from Whitewall Corner along side the existing quarry and proposed extension heading south, the proposed development would extend the life of the quarry by way of a physical extension to the site, however at present the cycle route currently runs past the operational site and there have been no issues with this route since its implementation in 2011. The quarry is considered to maintain highways safety measures in regard to HGV's leaving the site. In regard to the new extension area the gappy hedgerow alongside the site would be improved and views in the new extension area would be screened by a soil bund. Therefore it is considered that the proposed development is not in conflict with the Malton and Norton Neighbour Plan policy HRI3.
- 10.86. It is therefore concluded, that whilst introducing a change to the landscape, the change would be localised, would not be significant, and, in the longer term, through the restoration of the existing quarry and extension area which would be controlled by proposed conditions 28 (LEMP), 37 (Advance Planting), 38 (phasing), 39 (Restoration Scheme) and 40 (Aftercare Scheme) and would be the subject of an extended aftercare plan through the proposed Section 106 Agreement. Given the scale of the proposal and its location, it is considered the historic character of Norton on Derwent and Malton would not be adversely affected. It is considered, therefore, that whilst the proposal is located in a valued landscape, the landscape would not be so adversely affected and would continue to be protected by the proposed landscaping measures as part of the operational life of the site and restoration proposals. The proposal is therefore considered to be acceptable for the purposes of the NPPF, Policy DO6 of the MWJP and Ryedale Local Plan policies SP6 and SP13.

#### Soils and Agriculture

- 10.87. The site allocation document for the extension (MJP12) states the impact on best and most versatile (BMV) soils as a key sensitivity, with information required to minimise the irreversible loss of BMV land and protect high quality soil resources. Appendix 3 of the submitted Environmental Statement is a Soil Survey over the 11 year period, with accompanying figures in Appendix ES5. The Environmental Statement also includes Section VI in relation to Soils, Contamination, ground stability, landscape and visual impacts. The proposed application area is partly arable agricultural use

with sparse hedgerows and trees, the remainder of the application site is unused. A soils analysis carried out by the applicant identifies the application site have 0.66 hectares of land sub grade 3a and 3.3 hectares of land 3b. The application would include the permanent loss of 1.33 hectares of agricultural land.

- 10.88. The soils stripped before extraction would be able to be stored in bunds within the site and on completion of extraction, the stored soils would be removed and used in the restoration of the site. It is acknowledged that the land in its current use is of value to the agricultural economy, and that national policy seeks to avoid the loss agricultural land. However, minerals can only be worked where they occur. It is understandable, geographically, why the application extends the quarry in the direction proposed. Whilst the proposed extension to the quarry would result in the permanent loss of agricultural land, it would facilitate the winning of a valuable mineral reserve as an extension to an existing quarry site. The resultant void is proposed to be restored in a way that would give benefits in terms of nature conservation with the restoration enhancing the biodiversity of the area.
- 10.89. Policy D12 of the MWJP seeks to protect Best and Most Versatile Land (BMVL) and requires soils to be conserved and managed and used in a high standard of restoration. Policy D12 requires BMVL to be protected from unnecessary and irreversible loss, but where its loss can be justified; proposals should prioritise the protection and enhancement of soils and the long term potential to recreate areas of BMV land. Paragraph 224 of the NPPF requires restoration and aftercare to be achieved at the earliest opportunity and for it to be to high environmental standards, through the use of appropriate conditions. Ryedale Policy SP17 in regard to management air quality, land and water resources protects best and most versatile agricultural land and if a site is not allocated would be resisted unless it can be demonstrated that it cannot be located elsewhere and the need outweighs the loss.
- 10.90. The proposed extension would ensure a continued supply of building materials and associated products from a sustainable extension of an existing quarry, which would utilise existing infrastructure and retain employment. It is considered the wider economic benefits of the proposed development should be given weight and consideration. These benefits and the opportunity to create a more diverse agricultural and ecological environment are considered to outweigh the loss of Grade 3a BMV agricultural land and the 3b sub group land. The applicant states that the permanent loss of agricultural land would be 1.33 hectares and most of the agricultural land disturbed by quarrying would be returned to the same use in restoration, with marginal area's dedicated to natural conservation. It is considered although there would also be a temporary loss of the rest of the area in terms of agricultural land during the extraction phase, this is balanced against the need for minerals and the benefits of the restoration and is therefore not considered to have a cumulative impact in this instance.
- 10.91. In this instance the top soil layer within the extension area is thin and would be conditioned to be stored on site appropriately and used in the restoration of the extension area (Condition 31 in the schedule), which secures the location of the soil storage bunds at the site. The Landscape Officer requested a specific soil resource management plan, however in this instance it is considered that the soil resources can be adequately managed through the conditions proposed for this development

which includes condition 29 in relation to soil movements time periods, condition 30 soil stripping and the retention of soils, condition 31 as stated above in this paragraph, condition 28 the Landscape environmental management plan, condition 38 in relation to the phasing of the development, condition 39 in regard to a detail restoration scheme with soil management a specific requirement of this and finally condition 39 in regard to the aftercare scheme.

- 10.92. It is therefore considered subject to proposed conditions 28, 29, 30 and 31, that the proposal would not be in conflict with the intentions of Policy D12 of the MWJP, the allocated site requirements in the MWJP. The proposal is also in compliance with the Ryedale Local Plan Policy SP17 in regard to managing land and consistent with NPPF paragraph 224.

#### Ecology and Biodiversity

- 10.93. The proposed development is not within any ecological designated sites. The MWJP site allocation document states that ecology and geodiversity are key sensitivity in relation to this site, in regard to the impact on the River Derwent Special Area of Character (SAC), Welham Hill verges Site Importance for Nature Conservation (SINC) and protected species and habitat. The allocation document makes clear the importance of any mitigation in regard to these elements are required to be submitted as part of any application in relation to the allocation. The application includes within Section V of the Environmental Statement a Biodiversity and Geodiversity chapter. It also includes an Ecological Impact Appraisal and a Biodiversity Management Plan. The relevant policies in relation to ecology and BNG are MWJP Policy D07: Biodiversity and geodiversity RLPS Policy SP14: Biodiversity. Both policies have the stance that the proposed development would not have an unacceptable impact on local or national designations or biodiversity. NPPF Paragraph 187 promotes protecting sites of biodiversity or geological value and providing net gains for biodiversity. Local residents stated concerns with the impact on wildlife, the loss off habitats specifically damaging the habitat of curlew with no restoration or habitat replacement proposed. There is also support for the application through representations stating the impact on wildlife would be minimal as the site manages and mitigates the disruption to habitats and local species including the local racing stables and horses.
- 10.94. In regard to the specific impact on species the application confirms two badger setts are located nearby to the proposed extraction area and would not be impacted therefore no mitigation in relation to this is required. In relation to birds the applicant states in the ES the improved grassland, surrounding woodland and hedgerows would all provide a suitable habitat for nesting birds and that to mitigate any impact of the development vegetation clearance would be undertaken outside of nesting bird season from March to September, unless it is preceded by a nesting bird survey carried out by a suitable experienced ecologist. In regard to bats the trees on site could be utilised for roosting and the woodland and linear tree line used by foraging bats, however the application considers the extension to the quarry would not have a significant impact on bats with no removal of trees on the application site. In regard to further mitigation and biodiversity enhancement the woodland/scrub habitat and hedgerow improvements would take place at the start of the development timeline and therefore there would be no compensation delay in regard to this, which is secured through condition 37. In regard to the improved grassland there would be a delay of 10 years due to the requirement for the minerals extraction to take place and

restoration to be completed. To mitigate this nesting boxes would be mounted in suitable trees on the site boundary, along with several areas of log piles at the woodland edge and site boundary to provide habitats for reptiles and insects.

- 10.95. The planning application was submitted prior to 12 February 2024, when the Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) but as part of the submission documents the Applicant included a Biodiversity Management Plan, however not a statutory metric in relation to the improvements from the proposed development. The Environmental Statement states the proposed development would result in a net gain of 12.67%, with no loss of hedgerow at the site. Although the application pre-dates mandatory BNG the NPPF recognises the need for long-term maintenance of newly created habitats to provide meaningful compensation for losses.
- 10.96. The NYC Ecology Team suggested mitigation in the form of recommended conditions. The first recommended condition requires that any clearance of vegetation should be undertaken outside the bird breeding season, if this is not possible, a suitably experienced person must confirm that no nesting birds are present and any nests which are discovered must be left undisturbed until the young have fledged. This is included as proposed Condition 32 in Section 12 of this report. In regard to the application the Ecologist has stated that there is no requirement for an Ecological CEMP due to the Preliminary Ecological Appraisal report giving minimal recommendations which would not warrant a condition in regard to an Ecological CEMP and will be sufficiently covered by the Construction Environmental Management Plan which would be an approved document through proposed condition 17 and the Landscape Environmental Management Plan (proposed condition 28).
- 10.97. A S106 agreement is required in relation to this scheme which includes a long term management plan. This would secure the long term management for the extraction area for a period of 30 years from the completion of the restoration of the site. From an ecology point of view key information within the S106 long term management scheme would include information on how suitable substrates will be formed for the restoration of the site, information on seed sources for grassland creation, preferably using local sources, information on how habitats would be established, maintained and monitored and any protected species mitigation measures. Proposed condition 40 in section 12 of this report secures the first 5 years of aftercare at the site with the rest of the long term management secured through the S106 agreement.
- 10.98. Natural England and NYC Ecology Team raised no concerns about proximity of the site to the River Derwent Special Area of Conservation (SAC) and it is considered that the distance between the proposed extension and the SAC being 1460m would mean that there would not be any adverse impact on this area. The land within the site is to be restored to limestone grassland which will be of high quality and reflect the type of landscape surrounding the site, the ecologists have no issues with the ecological appraisal as submitted and within this report the potential designation of the Yorkshire Wolds Landscape character area have been considered in the landscape section of the report. There are two Sites of Importance for nature conservation (SINC) in proximity to the application site first of these is Bazeley's Lane

SINC which is north east of the application site, the assessment of the impact to the SINC in the application details states there would be no impact from the development. It is considered this is a reasonable assumption due to the location of the SINC and the topography of the land between the extension area and the SINC being significantly lower in the landform with no views of the site, HGVs would also be directed to not utilise Whitewall Road/Bazeley's Lane to access the site so HGVs would not pass past the SINC area. This SINC is also designated as local green space in the Malton and Norton Neighbourhood plan as E1.5 Scott's Hill, therefore a relevant policy in the determination of this application is E1 and E2 of the Malton and Norton Neighbourhood plan which require applications in relation to locally designated green spaces to be protected and enhanced. With the reasoning stated above it is not considered that this development is in conflict with these policies as the minerals extraction would not impact the green open space.

10.99. The second SINC in proximity to the extension area is Welham Hill Verges which are to the west of the application site between the site and Welham Road, the information provided with the application states there would be no impact on this SINC, however also proposes mitigation of a soil bund to screen the site from the habitat of these verges and stop a disturbance on the SINC area. The application also includes the gapping up of the existing hedgerow with native hedgerow and woodland planting in proximity to the SINC site south of the application site, which would have a positive impact on the SINC. It is considered that with the information provided by the applicant and response from the ecologist that the proposed extension is consistent with relevant local MWJP Policy D07: Biodiversity and geodiversity RLPS Policy SP14: Biodiversity and the NPPF in regard to paragraph 187 as would provide net gains for biodiversity and have no significant impact on any locally or nationally designated sites. The mitigation provided in the form of conditions and S106 agreement ensure that the proposed development is acceptable in terms of ecology and biodiversity.

10.100. In conclusion, the proposal is accompanied by an ecological assessment; there is no evidence the proposal would have an unacceptable adverse effect on the ecology of the area subject to the employment of mitigation measures that could be controlled by condition. There would be no loss of trees and additional trees and hedgerow are proposed as part of the restoration proposals. The proposed restoration and planting of trees and hedgerows would result in ecological net gain over that which is currently present. The aftercare period would be for an extended period of 30 years secured through the provisions of a proposed Section 106 Agreement.

#### Restoration and Aftercare

10.101. Policy D07 of the MWJP requires schemes to achieve net gains for biodiversity through design scheme, including any proposed mitigation measures. Policy D10 requires positive and diverse restoration and aftercare to a high standard in a progressive way where possible, protecting soils where a proposal is on best and most versatile land and provide net gains for biodiversity; and Policy D12 requires the protection of agricultural land and soils. Paragraph 224 (e) of the NPPF supports proposals that provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards and which can be controlled by conditions. Further to this the site assessment and consultation process during the preparation of the MWJP which identified Whitewall quarry (MJP12) as an allocated



site stated a requirement for an appropriate restoration scheme using opportunities for habitat creation and which relates to the whole of the quarry site and an acceptable restoration scheme and a restoration strategy have been submitted in relation to the application including habitat creation at the southern end of the quarry and on the margins of the quarry faces and periphery.

**Table E6 Existing & Restored Land Uses Whitewall Quarry & Extension**

<b>Existing Land Uses</b>	<b>ha</b>	<b>Restored Land Uses</b>	<b>ha</b>
<b>Existing Quarry:-</b>		<b>Existing Quarry:-</b>	
Operational Area	18.90	Agriculture	14.10
Restored Area	2.00	Nature Conservation	6.80
<b>Total</b>	<b>20.90</b>	<b>Total</b>	<b>20.90</b>
<b><sup>12</sup>Extension:-</b>		<b>Extension:-</b>	
Agriculture	4.20	Agriculture	2.80
Unused Area	2.60	Conservation Woodland/Scrubland	4.00
<b>Total</b>	<b>6.80</b>	<b>Total</b>	<b>6.80</b>
		(Total Agriculture)	16.90
		(Total Nature Conservation)	10.80
<b>Overall Total</b>	<b>27.70</b>	<b>Overall Total</b>	<b>27.70</b>

10.102. Following the extraction of Jurassic limestone, the proposal is to progressively restore the residual void, building on the existing restoration scheme for the existing quarry to a combination of agriculture and nature conservation. The soil mounds would be removed and used in the restoration; peripheral hedge planting would be retained where possible. To achieve the proposed restoration levels the proposed extension area would necessitate the importation of approximately 60,000 tonnes of additional soils which would be imported during the lifetime of the development and spread soils to a depth of 0.5m. The restoration would be similar and fit in with the restoration approved under previous permission for mineral extraction and a S106 agreement would cover the restoration of the site. The restoration is also considered to be progressive, although the applicant states that this is not able to be done at an even rate. The Planning Authority will monitor its progress through the extraction phases and liaise with the operator on the progress of this restoration. The S106 agreement also provides for the site to be restored in accordance with a Long Term Management Plan and which provides for an additional 30 years of aftercare of the restored site. This is deemed necessary to ensure the success of the restoration for the purposes for which is designed – calcareous grassland and woodland planting. Proposed conditions 39 and 40 also request detailed restoration and aftercare schemes.

10.103. Natural England, Ecology and the Council's Landscape Officer support the restoration proposals and, subject conditions and a S106 agreement in relation to the protection of soils, progressive restoration of the site, long-term management and the ecological benefits they may bring. These are discussed in further detail in the Ecology and Biodiversity, Landscape and Visual Impact and Soils and Agricultural

sections of this report. The proposed restoration of the site would be a continuation of that currently underway on the existing site and which has previously been found acceptable. The proposed requirement for a detailed restoration and aftercare scheme is acceptable and would allow a high standard to be achieved contributing to and improving the ecological diversity in the area.

- 10.104. The proposed restoration and aftercare would accord with Policy D07 in that it would contribute to biodiversity in the area; Policy D10 in that would provide for a progressive, phased restoration using imported recycled inert materials to achieve a high standard of restoration; and Policy D12 in that it would achieve a high standard of agricultural restoration. The proposed restoration and aftercare would also comply with paragraph 224(e) of the NPPF in that it would provide for progressive restoration and aftercare at the earliest opportunity to high environmental standards and which could be achieved by proposed planning conditions 39 and 40 with an extended aftercare period of 30 years in total through the proposed legal agreement. The proposed restoration and aftercare are therefore considered acceptable and complies with the policies of the development plan and paragraph 224(e) of the NPPF.

#### Heritage and Archaeology

- 10.105. The site in the MWJP allocated site document (MJP12) states Heritage assets as a key sensitivities including archaeological remains, Scheduled Monuments at The Three Dykes and West Wold Farm, Langton Conservation Area, Listed Buildings including Whitewall House, Whitewall Cottages & associated stable and their settings. Therefore the allocation document required an appropriate site design and landscaping of site to mitigate potential impacts on heritage assets as identified and their respective settings including appropriate archaeological investigation and mitigation.
- 10.106. The Applicant submitted two documents related to the archaeology of the extension area, the Environmental Statement includes Section VIII on Material Assets including cultural heritage and Appendix 7 in relation to a Heritage Assessment. There are two groups of Grade II listed buildings within 1km of the proposed extraction area. The listed buildings are located to the north of Whitewall quarry at the bottom of Whitewall Corner Hill. These are “Whitewall House and Attached Outbuilding” (listing number 1149544) and “Whitewall Cottages and Attached Stable Building” (listing number: 1173731). The listed buildings are screened from the quarry by the slope of Whitewall Hill, which is heavily vegetated with tall and mature trees. The applicant states noise from the quarry is not considered to be detrimental to the heritage assets give the current active status of the quarry workings and the position of the new extraction being at least 900m south of the listed buildings. The spires of the Church of St Michael, (listing number 1201930), Church of St Leonard & St Mary (NHLE 1219477) and Church of St Peter (listing number 1173623) can be seen from the southern boundary of the quarry but views of the proposed minerals extraction area not possible due to intervening built development.
- 10.107. There are Conservation Areas in Malton, Old Malton and Norton with the applicant stating it is noted that existing extraction can be viewed from specific points from within the Malton Conservation Area, including from the Talbot Hotel on Yorkersgate. The Three Dykes and Scheduled Monuments are located 1.2km east of the proposed extraction, the applicant states these assets are within a rural

agricultural setting and the topography and surrounding landscape does not allow for views into the extraction area.

- 10.108. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid in the exercise of planning functions to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant in relation the Conservation Areas with regard to special attention being paid to the desirability of preserving or enhancing the character and appearance of these areas. The consideration of potential harm to heritage assets is considered within paragraphs 212-216 of the NPPF (Conserving and enhancing the historic environment) which sets out how to consider the impact or harm of a proposed development on the significance of a heritage asset.
- 10.109. MWJP Policy D08 lends support to those proposals that are able to conserve and, where practicable, enhance those elements that contribute to the significance of the area's heritage assets (both built and archaeological) including their setting. Policy SP12 of the Ryedale Local Plan also seeks to protect, conserve and enhance the historic environment and assets and resist development proposals that would result in harm or loss of historic assets (including listed buildings) unless exceptional circumstances can be demonstrated. Policy SP12 of the Ryedale Local Plan is in relation to preserving the historic environment, requiring where appropriate the historic environment is enhanced. Policy SP12 also includes a requirement to preserve the nationally significant archaeological landscapes of the Yorkshire Wolds. The policy also states proposals should work with landowners to encourage sensitive land management in the Wolds.
- 10.110. The report also considered the possible presence of archaeological remains within the proposed extension and concluded that there are no known nationally important archaeological remains located on the site to prevent the quarry extension, however there may be remains which are of local significance, within the extraction area. The NYC Archaeology Team responded stating that there are potential areas of archaeology interest within the extension area, advising a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with the development proposal. Following on from the NYC Archaeologists comments they proposed a condition that a Written Scheme of Investigation to be for it to be adhered to during the development, this is listed as proposed condition 33 in Section 12 of the Report. A further proposed condition 34 would also be required to submit a report of the finding from the archaeological field investigations.
- 10.111. Paragraph 212 of the NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this case the heritage assets in question as stated in the Heritage Assessment are the two Grade II listed buildings located to the north of Whitewall quarry at the bottom of Whitewall Corner Hill and Conservation Areas in Malton, Old Malton and Norton, these assets importance has been considered during the application process and therefore considerable weight has

been given to the asset's conservation. Paragraph 213 of the NPPF states that any harm or loss of the importance of a designated heritage asset, whether due to alteration, destruction, or development within its surroundings, must be supported by clear and convincing justification. Significant harm or loss to such a Grade II listed asset should not occur without strong reasoning and only in exceptional circumstances.

10.112. It is considered that the quarry being extended south would move the extraction area further from the listed buildings and the Conservations Areas, however operations in the existing quarry would continue including the use of the access road, weighbridge and site offices. It is not considered the proposed development would cause any harm or loss to the listed assets or their setting due to the distance between the heritage assets and the quarry, the topography of the land and the mitigation measures to be put in place through conditions attached to this application. Furthermore it is considered that the impact on the three Conservation Areas, which are further from the application site than the listed buildings would also not have any harm or loss caused through this application, this is taking into consideration HGV movements which will pass through the Conservation area which will not be increased above the existing levels the quarry currently operates. The proposal is also considered to be consistent with the Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as would not have a negative impact on desirability or character of the Conservation Area's around the site.

10.113. Since there is no harm to the heritage assets, there is no requirement for an assessment of public benefits that outweigh the harm. In this instance the planning judgement is that there is a clear requirement for Jurassic limestone and that minerals can only be quarried where they are found, therefore deemed acceptable as it would secure the sites optimum viable use. In consideration of paragraphs 212-216 of the NPPF the balanced planning judgement is that no harm would be brought about to the designated heritage asset by the proposal. The existing quarry and proposed extension area do not have any impact on the heritage assets or their settings and so the proposed development is consistent with MWJP Policy D08 and RLPS Policy SP12

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

#### Flood Risk/Hydrology

10.115. Water issues including hydrology, flood risk (Zone 1), water mains and surface water drainage are considered a key sensitivity in the MWJP site allocation document in relation to the extension at Whitewall quarry (MJP12). The allocation document therefore required a suitable flood risk assessment, which to be satisfactory will need to include any necessary mitigation such as compensatory storage, attenuation and

SuDS as appropriate and mitigation of any impact's groundwater quality and groundwater supplies. However the applicant in submitting the application has stated that the application site is within Flood Zone One therefore there is no requirement for a flood risk assessment and this detailed data. The application does though include information on the water environment in the Environmental Statement within Section VII Climate and Water and also a Water Assessment as Appendix 6 of the ES and it is considered that the information provided with the application in relation to this still satisfies the requirement of the site allocation document as is deemed suitable in the circumstances. Whitewall Quarry site lies on the Limestone part of the Coralline Oolite Formation which is designated as a principal aquifer. The application documents state that the quarry floor is approximately 18 meters above the underlying water table and as such no dewatering and/or direct interaction with any underlying aquifer resources are proposed, the quarry floor is 43 AOD. The site does not actively use water for minerals processing and there is no need to dewater.

- 10.116. The relevant local policies are MWJP Policy D09: Water Environment and RLPS Policy SP17: Managing Air Quality, Land and Water Resources. MWJP Policy D09 requires that no unacceptable impacts will arise as a result of the development on surface or groundwater quality and/or surface or groundwater supplies or flows. The policy also requires a very high level of protection for principal aquifers. RLPS Policy SP17 requires that flood risk be managed and protection of surface and groundwater from pollution and adverse impacts. NPPF paragraph 187 promotes the protection of the natural environment including water quality and NPPF paragraph 181 deals with flood risk.
- 10.117. It is acknowledged that the principal aquifer is an important resource for commercial users of water in the area, who rely on its availability and the impact of any development on this is a consideration in the determination of the application and this is taken into account through Policy D09 of the MWJP. There is a requirement within the MWJP paragraph 9.71 to also take into account Environment Agency position statements. This was also stated in the Environment Agency consultation response requiring the document "The environment agency approach to groundwater protection", to be taken into account by the applicant which details the required approach to waste management and drainage. There is a further requirement to take into account the aims and objectives of the Water Framework Directive, which includes making sure all development takes the necessary measures to ensure that no deterioration of groundwater takes place.
- 10.118. The Environment Agency responded to the consultation with no objection but stated that the site lies on the Limestone part of the Coralline Oolite formation which is designated as a Principle Aquifer. They also provided advice in relation to an Environmental Permit if an abstraction licence is required and advice on dewatering. The Environment Agency has no objection to the proposed development and it is considered that there would be no impact to groundwater through the mitigation measure put in place in condition which does not conflict with the aims of the Water Framework Directive and EA policy statement.

- 10.119. In regard to the water main running through the site this is stated to be a 315mm diameter public PVCu clean water mains and this has been taken into account in the design of the extraction scheme. In relation to this Yorkshire Water have requested a condition which would protect this asset and require the applicant to give proof of its closure if extraction in proximity to the location of the water pipeline is going to take place, which is condition 35 in the schedule. Yorkshire Water also state that the information provided with the application in regard to water raise no pollution risk as the limestone is above the water level. The base of extraction will be at or around 43 metres AOD, this level has been specifically chosen so that the mobile plant site infrastructure will remain above groundwater level through all phases of the development for the extraction area.
- 10.120. Due to the extraction area being within Flood Zone 1 a full flood risk assessment has not been submitted and it is considered the information provided is sufficient to assess the impact on the water environment and flood risk. It is therefore considered that the site is not susceptible to flooding and no conditions in regard to flooding are deemed reasonable in this instance, satisfying the requirements of the allocation document in regard to flood risk. Within the allocation document it also states a requirement for necessary mitigation for compensatory storage, attenuation and SuDs. There will be no disturbance or removal of surface water features, but there will be a change in run off characteristics, the extension would drain away naturally through the base of the quarry without discharges to watercourses which currently takes place in the existing quarry site which has it is considered has similar geology to the proposed application site for the extension. After the restoration of the site rainwater would drain away through the base of the extension area and be managed through an aftercare scheme to be submitted (condition 36). The applicant states that the extension area would not affect the aquifer and the thin soils mean that water would be very free draining, as is the case in the existing quarry area therefore it is considered the removal of top-soil from the extension area would not have a significant impact on infiltration rates. In the medium term after restoration these rates are considered to go back to the existing levels, with protection against contamination will be secured through condition 26 in regard to contaminated drainage and 27 in regard to fuel storage. It is considered that the conditions in relation to the application give sufficient mitigation in relation to the sensitives stated in the MWJP allocation, with no comments from the Local Lead Flood Authority.
- 10.121. The Proposed development is consistent with local and national policy as measures have been put in place by the Applicant to protect the principal aquifer by remaining at above the water table and any surface water would go into the base of the quarry to soakaway into the water table so flooding would not occur and conditions 26 and 27 give controls of the site Condition 35 in relation to the application will also protect the water mains through the site. It is considered that the proposed development is acceptable in principle in terms of flood risk and hydrology as is in compliance with MWJP Policy D09: Water Environment and RLPS Policy SP17: Managing Air Quality, Land and Water Resources.

### Climate Change

- 10.122. The proposal could have an impact through emissions from vehicles, plant and machinery; however, there are no other options to winning and working the stone other from where it occurs or distributing it from the site. Plant and machinery are governed by manufacturer's specifications and HGVs by Government restrictions. The proposed extension would produce primary materials, which would be used in the local construction industry, and secondary minerals that would be used as part of the restoration of the existing quarry and proposed extension. The applicant states that the site produces limited amounts of waste and is reduced as much as possible with waste utilised as quarry fill if it can not be utilised elsewhere. The application also includes letters of support which detail that the proposed development would continue to supply materials locally reducing emissions and supporting sustainable construction practices.
- 10.123. The proposed mitigation measures would protect habitats and the proposed restoration scheme would create new habitats including new tree planting and hedgerows that would contribute to offsetting carbon loss. It is therefore considered that the proposal would not have an unacceptable impact on climate change and would meet the relevant criterion of Policy SP14 Ryedale Local Plan in regard to maintaining and improving ecological networks.
- 10.124. Policy D11 of the MWJP requires developers to explain how climate change has been taken into account, in this instance the applicant has acknowledged quarrying and importation of inert waste represent contributors to climate change, however, states it provides primary won aggregate. The site is allocated in the MWJP and by utilising infrastructure at the existing quarrying operation to the north it makes this a more sustainable choice for minerals extraction than a new quarry site. Having regard to the above, it is considered the proposed development is unlikely to have any significant and consequently unacceptable adverse impact upon climate change and is acceptable for the purposes of Policy D11 of the MWJP.

### Obligations under the Equality Act 2010

- 10.125. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment, and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.126. Given the substantial scale of the site and the works involved with the development, if approved, the development is considered to have an impact on amenity of a nature and duration that is potentially likely to affect older and younger people, people with disabilities or people who are pregnant, if not factors are not mitigated to protect the local amenity,

10.127. Therefore, in order to ensure that the Council fulfils its duty under Section 149 of the Equality Act and is consistent with MWJP Policy D15: Planning obligations it needs to be ensured that if planning permission is granted, the decision notice includes conditions which require the impacts on those residents with the aforementioned protected characteristics to be mitigated as much as possible, taking into consideration their specific requirements and needs.

#### S106 Legal Agreement

10.128. In light of the proposed S106 legal agreement under the provisions of the Town & Country Planning Act 1990 (as amended) (the '1990 Act'), regard must be had to NPPF paragraphs 56-59 which require planning obligations to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to the development in terms of scale and kind.

10.129. The S106 will be required to provide that the obligations are secured and entered into by those responsible for the long term management of the land to ensure that the obligations are enforceable as it is considered that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in kind to the development.

10.130. In regard to the Traffic Routing Agreement and Traffic Management Scheme, this has been put forward by the applicant to manage HGVs in relation to the site and formalise practices previously undertaken by the applicant in the planning permission.

10.131. following Heads of Terms have been agreed with the applicant for this applications.

<b>Category</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Ecology	Biodiversity Management Plan	<ul style="list-style-type: none"> <li>• Developer to prepare and submit for approval by the Local Planning Authority a scheme for long term management and aftercare of the extension and securing the restoration/long term management for the wider site. The term of such long term scheme shall be thirty years, and the scheme as a minimum include for: - <ul style="list-style-type: none"> <li>○ Information on how suitable substrates will be formed for the creation of calcareous grassland (see NYC ecology comments of 27 September 2023).</li> <li>○ Information on seed sources for grassland creation, bearing in mind the need to use local sources wherever possible.</li> <li>○ Information on how habitats will be established, maintained and monitored.</li> </ul> </li> </ul>



		<ul style="list-style-type: none"> <li>○ Any protected species mitigation measures</li> </ul>
Highways	Traffic Routing Agreement and Traffic Management Scheme	To be maintained throughout the lifetime of the development.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The 7.47 hectare extension is considered acceptable in principle having been allocated in the Minerals and Waste Joint Plan (2022) and would provide for the maintenance and delivery of the landbank of crushed rock for North Yorkshire. The principle of the application therefore accords with local and national policy, and so is considered acceptable in planning terms due to not having an increased negative effect on economic, social and environmental conditions of the area.
- 11.2. The scale and nature of this proposal means that some impacts are inevitable. Very rarely are developments entirely without harm, or entirely without benefit. The question has to be one of balancing the important arguments that weigh in favour of the proposed development and whether any of the identified harms, together or individually, warrant a determination that the proposed development is either in conflict or compliant with the 'development plan' as a whole.
- 11.3. The main issues in the 'planning balance' are in relation to the impact of the proposed development upon residential amenity, specifically in terms of noise from the quarry operation and vibration from blasting and the impact on residential amenity from HGV's travelling to and from the extension area. The information submitted during the processing of this application is considered both adequate and sufficient upon which to make a recommendation in regard to there being no significant impacts in terms of residential amenity with the applicant considered to have demonstrated that the proposed development is capable of being appropriately mitigated through conditions in relation to noise control, air quality, vibration.
- 11.4. In consideration of the impact on the highway from the extension to the quarry and the continued use of the access for the existing quarry, the application has demonstrated that the local highways network has capacity for the HGV movements in relation to the minerals extraction with condition 18 and 19 being secured to the permission to limit the site to 240 movements Monday to Friday, 120 movements on a Saturday and no movements on a Sunday, while also limiting the site to 300,000 tonnes being exported per annum to make sure that over a period of a year the average number of movements is not over 120 movements per Monday to Friday and 60 movements on a Saturday. Conditions 20 – 24 also further limit the impact on the highways network. A S106 is also required for a traffic management plan to be implemented and a routing agreement which would give further control of the site. In relation to the application when taking the impact of HGV's and the increased number conditioned above the allocation which was 10 movements it is considered that in this instance the departure from the plan is acceptable due to the mitigation provided through the conditions stated above and the S106 agreement.

- 11.5. In conclusion, it is considered there are no material planning considerations to warrant the refusal of this application, as it accords with the requirements stated within the MJWP MJP12 allocation document. Where there has been a departure from the allocation in regard to the increase in the minerals exported per annum and the average HGV numbers the application, along with the supporting information, has been assessed and it is considered on balance that there is a need for the mineral and there would be no unacceptable adverse environmental impacts resulting from the proposed development. Furthermore, it is considered that the proposed development, whilst leading to a change to the landscape, would not result in any unacceptable impacts on local amenity, the character of the surrounding area and landscape, the local highway network, ecology or the water environment or lead to an unacceptable impact on air quality or climate change. The proposed landscaping, restoration and aftercare of the site would make a positive contribution to biodiversity of the area.
- 11.6. It is therefore considered that the proposed development accords with the Development Plan as a whole and all material considerations including the NPPF and the local plans further support the conclusion is that subject to the applicant first entering into a Section 106 Agreement and subject to the conditions set out in Section 10.128-31 planning permission should be granted.

## **12.0 RECOMMENDATION**

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

### **Commencement of Development**

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

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

### **Time Limit**

2. The permission hereby granted authorises the extraction of minerals Eleven (11) years following the commencement of soil stripping operations to be notified to the Local Planning Authority for the purposes of condition three (3) below. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site within 12 months of the cessation of development and the site restored in accordance with the Whitewall Revised Restoration Plan (Ref. CW-WW-2197-17, dated 13 October 2023).

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

### **Notification of Commencement**

3. Written notification of the commencement of each of the following stages of the development shall be provided in writing to the Local Planning Authority within seven (7) days of each of the following:
  - 1) Soil stripping operations and construction of soil storage/screening mounds to the boundaries of each phase of the proposed development.

- 2) Extraction of surface mineral in each phase (as shown on the Proposed Working Plan (Ref. CW WW 2108 7 Rev D, dated March 2023):
- 3) Of the first blast within the extraction area.
- 4) Cessation of mineral working at the site.

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

### **Cessation**

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

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

### **Approved Documents and Plans**

5. The development hereby permitted shall be carried out in accordance with the application details dated 24 September 2024 and the approved documents listed below and the following conditions which at all times shall take precedence.

<b>Ref</b>	<b>Title</b>	<b>Date</b>
Ref. CW WW 2108 6 Rev A	Red and Blue Line Application Plan	March 2023
Ref. CW WW 2108 7 Rev D	Working Plan	March 2023
Ref. 65 05	Figure 17 - Landscaping Proposals	10.3.23
Ref. 65 06	Figure 18 – Landscape Restoration Plan	10.3.23
No Ref.	Supporting Statement V1	March 2023
No Ref.	Environmental Statement V2	March 2023
No Ref.	Biodiversity Management Plan	July 2024
Ref. LTP/23/3506 Rev C	Supplementary Transport Statement	25 July 2024
Ref. V2	Whitewall Quarry Traffic Technical Note	September 2024
	Working Method and Stockpiling Areas V2	September 2024
Ref. v1.2	Construction and Environmental Management Plan	September 2024

### **Decision Notice**

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

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

### **Removal of Permitted Development Rights**

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

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

### **Hours of working**

8. There shall be no minerals extraction, processing, soil stripping, infilling, blast hole drilling or works in relation to restoration carried out at the site except between the following times:

06:30 – 17:00hrs Monday to Friday

07:00 – 12:00hrs Saturdays.

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

This condition shall not apply in emergency situations outside these hours and in such situations the operator shall inform the Local Planning Authority in writing of the emergency situation within 24 hours of the event.

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

### **Dust Monitoring**

9. Within one (1) month of the date of this decision a dust management plan to prevent and minimise the migration of dust from the site shall be submitted to the Local Planning Authority for approval in writing. Such measures shall include the spraying of roadways, hard surfaces and stockpiles and discontinuance of soil movements during periods of high winds. In the event that dust migrating from the site and being deposited off site those operations at the site causing the excessive dust shall cease immediately and steps shall be taken to mitigate the impact.

Thereafter the measures set out in the approved dust management plan shall be employed in full and the results of monitoring shall be retained for the life of the development and shall be made available to the Local Planning Authority on request.

*Reason: This is imposed to ensure that the proposal does not have a negative effect on the amenities of the area.*

### **Plant**

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

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

### **Noise levels**

11. The equivalent continuous A weighted noise level (1 hour) due to operations at the quarry during day-time hours (07:00-1900) shall not exceed the background noise level dBLA90 by more than 10dBdB(A) LAeq,1h (free field) subject to a maximum 55 dB(A) LAeq,1h (free field) at the nearest façade or boundary of the following residential properties:

- Welham Wold Farm.
- Welham House.
- Whitewall House/Stables.
- Furze Hill/Stables Cottage.

For any operations during the period 0630– 07:00 the noise limit shall not exceed 42 dB(A) LAeq,1h (free field) at any of the above residential properties.

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

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

#### **Noise Limitation Exceptions**

12. Notwithstanding the noise limits imposed within Condition 11 (above), an exceptional temporary daytime noise limit is permitted for up to 8 weeks in a calendar year, to facilitate essential site preparation and restoration work such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds, construction of new permanent landforms and site road maintenance. This is a maximum limit of 70 LAeq,1hour (free-field) at the nearest façade or boundary to the following residential properties:

- Welham Wold Farm.
- Welham House.
- Whitewall House/Stables.
- Furze Hill/Stables Cottage.

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

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

#### **Noise Management Plan**

13. Within one (1) month of the date of this decision, details of a noise management plan, to include a scheme for the monitoring of noise emitted from the site, and to demonstrate best practice for the reduction of noise, shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include details of the following:
- 1) Noise monitoring locations which for the avoidance of doubt, should include locations or publicly accessible proxy locations:
    - a. Welham Wold Farm.

- b. Welham House.
  - c. Whitewall House/Stables.
  - d. Furze Hill/Stables Cottage.
- 2) Details of monitoring equipment to be used;
  - 3) A plan identifying the position of all monitoring locations (taking into account the nearest noise sensitive receptors)
  - 4) Monitoring periods;
  - 5) Frequency of monitoring; (minimum every three months for the first year, which is then able to be reviewed each year taking into account noise monitoring results)
  - 6) The recording of the monitoring results, including provision for the results to be made available to the Local Planning Authority on request and submitted within three months in the first year and is then able to be reviewed each year taking into account noise monitoring results.
  - 7) A programme of implementation.
  - 8) A program of how complaints will be responded to and monitored.
  - 9) A programme of inspection and maintenance of all plant and equipment, including daily inspections to ensure noise attenuation measures are being used.

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

*Reason: To ensure that noise impacts associated with the proposed development would be minimised in the interests of local amenity.*

#### **Blasting Hours of Operation**

14. No blasting shall be carried out on any part of the site except between the hours of 9:00 and 16:00 hours Monday to Friday. No blasting shall take place on weekends, Bank, or Public Holidays. This condition shall not apply in emergency situations outside these hours and in such situations the operator shall inform the Local Planning Authority in writing of the emergency situation within 24 hours of the event.

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

#### **Blasting - Ground Vibration Levels**

15. Blasting shall be undertaken in such a manner as to ensure that ground vibration, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (ppv) of 8 mm per second in 95% of all blasts measured over any continuous 12 month period. The measurement is to be taken at or near the foundations of:
  - Welham Wold Farm.

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

#### **Blast Monitoring Scheme**

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

Authority for approval in writing. Thereafter monitoring shall be undertaken in accordance with the approved scheme. If results of monitoring show that the limit as stated in condition 15 of this permission is exceeded, blasting practice at the site shall be modified to ensure compliance with the limit specified in condition 15 to this permission.

The results of monitoring shall be retained at Whitewall Quarry for a period of 12 months and submitted to the Local Planning Authority on request.

*Reason: To monitor the operations and protect the amenities of the area.*

### **Construction Environmental Management Plan**

17. The permitted development must be undertaken in accordance with the approved Construction Environmental Management Plan (Ref. V1.2, dated September 2024). The operator shall when requested in writing by the local planning authority complete a review of the construction management plan which is required to be submitted to the local planning authority and approved in writing.

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

### **HGV Movements**

18. Heavy goods vehicle (as defined by this permission) movements associated with minerals extraction hereby permitted within the land edged red and heavy goods vehicle (as defined by this permission) movements associated with minerals extraction being carried on the land edged blue (under the provision of planning permission NY/2023/0195/ENV) shown on plan Ref. CW WW 2108 6 Rev A, dated March 2023, shall not exceed at any time 240 per day (120 into the site and 120 out of the site) Monday to Friday and shall not exceed at any time 120 per day (60 into the site and 60 out of the site) on a Saturday.

*Reason: In the interest of public safety and amenity.*

### **Minerals Throughput**

19. The maximum throughput of mineral exported out of the whitewall quarry site access from within the land edged red and on the land edged blue (under the provision of planning permission NY/2023/0195/ENV) shown on plan Ref. CW WW 2108 6 Rev A, dated March 2023 in regard to heavy goods vehicles shall not at any time exceed 300,000 tonnes per annum.

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

### **HGV Records**

20. A written record of all heavy goods vehicle (as defined by this permission) movements into and out of Whitewall Quarry for the purposes of condition 18 shall be maintained and retained at the quarry for a period of six months. The record shall contain the vehicles weight, registration number and the time and date of movement. The record shall be retained at Whitewall Quarry and made available to the Local Planning Authority on request.

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

### **Mud on the Road**

21. Throughout the operation of the development, the existing wheel wash facilities must remain in working order on site and all heavy goods vehicles (as defined by this permission)

exiting the site shall do so in a clean condition, such that no dirt and/or mud are deposited on the public highway by vehicles travelling from the site.

*Reason: In the interests of road safety.*

### **HGV Sheeting**

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

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

### **Highways Access**

23. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway.

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

### **Excavation Adjacent to Highway**

24. No excavation shall take place within 10 metres of the public highway to the west of the site and any resulting embankment into Whitewall Quarry with final slopes between 70°-90° to the vertical and benches of minimum widths of 7m for 10m high faces and 10m for 20m high faces as confirmed by topographical survey to be submitted to the local planning authority after the completion of restoration.

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

### **Protection of the Natural Environment**

25. There shall be no quarrying or other excavation below a level of 43 metres Above Ordnance Datum (AOD).

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

### **Drainage**

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

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

### **Fuel Storage**

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



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

**Landscape Environmental Management Plan (LEMP)**

28. Within 6 months of the date of commencement of development as notified to the Local Planning Authority for the purposes of condition 3 to this permission, a landscape and ecological management plan (LEMP) shall be submitted to the Local Planning Authority for approval in writing. The LEMP shall include the following:

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

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

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

**Soil Movements**

29. No soils shall be stripped, moved, placed or removed during the months of November to March inclusive, unless the soils are in a dry and friable condition. During soil stripping, placement and removal, machinery shall be routed to avoid compaction of such soils. All soils shall be handled in accordance with the guidance set out in DEFRA's 'Good Practice Guide for Handling Soils'.

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

**Soil Stripping**

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

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

31. The soil storage bund shall be implemented in accordance with the Working Plan (ref. CW WW 2108 7 D, dated March 2023). All topsoil and subsoil shall be stored in separate mounds that do not overlap or immediately be utilised in the restoration of the site. The mounds shall be graded and seeded within one month of their construction and thereafter retained in a grassed, weed free condition throughout the duration of the development pending their use in the restoration of the site.

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

### **Site Clearance**

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

*Reason: to ensure compliance with wildlife protection legislation.*

### **Written Scheme of Investigation**

33. No development shall take place other than in accordance with 'Land South of Whitewall Quarry, Norton, North Yorkshire. Written Scheme of Investigation for Archaeological Strip, Map & Record' dated 19 May 22.

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

34. Within 12 months of completing the archaeological field investigations required by condition 33, 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 and archiving, shall be submitted to and approved in writing by the Local 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 Local Planning Authority.

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

### **Water Mains Protection**

35. No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the water main i.e. a protected strip width of 10 (ten) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

*Reason: In order to allow sufficient access for maintenance and repair work at all times.*

### **Lighting**

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

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

### **Advanced Planting**

37. Prior to the commencement of the first phase of surface mineral extraction as notified to the Local Planning Authority for the purposes of condition 3, advanced planting as shown on drawing Figure 18 Landscape Restoration Plan, (ref. 65 06, dated 10 March 23) including the gapping up of hedgerows on the boundary of the site must be completed. Any trees or plants which, within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and shall thereafter be retained and maintained for a period of 5 years.

*Reason: To secure a good standard of progressive restoration and safeguard the character of the site in the interests of visual amenity.*

#### **Detailed Phasing**

38. Within 6 months of the date of commencement of development as notified to the Local Planning Authority for the purposes of condition 3 to this permission, a detailed phasing plan shall be submitted to the Local Planning Authority for approval in writing. Each of the four individual phases of mineral extraction shall be restored in a phased manner in accordance with the provisions of the restoration scheme submitted as a requirement of condition 39. Thereafter, the aftercare scheme submitted as a requirement of condition 40 shall be implemented in a phased manner in the first planting season following completion of each individual phase.

*Reason: To secure a good standard of progressive restoration and safeguard the character of the site in the interests of visual amenity.*

#### **Restoration Scheme**

39. Within 6 months of the date of commencement of the first phase of surface mineral extraction as notified to the Local Planning Authority for the purposes of condition 3 of this permission, a detailed scheme and programme of restoration shall be submitted to the Local Planning Authority for approval in writing. The detailed restoration scheme and programme shall include:
- Details of the materials to be used as part of the final restoration surface.
  - Soil Management
  - Details for the planting of trees and shrubs including numbers, types and sizes of species to be planted, location and layout of planting areas, protection measures and methods of planting.
  - Details for the seeding of any landscaping areas including mixes to be used and rates of application.
  - Details for the management of any landscaping areas including maintenance of tree and shrub planting and grazing or mowing of seeded areas.
  - Details of trees and shrubs that are to be retained post restoration of the site.

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

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

#### **Aftercare Scheme**

40. Within 6 months from the date of commencement of the first phase of surface mineral extraction as notified to the Local Planning Authority for the purposes of condition 3 of this permission a detailed scheme and programme for the aftercare of the site for a period of 5 years to promote the afteruse of the site shall be submitted to the Local Planning Authority for approval in writing. The scheme and programme shall contain details of the following:

- Maintenance and management of the restored site to promote its intended use and the establishment of the restored site.
- Weed control where necessary.
- Measures to relieve compaction or improve drainage, which would include temporary and long term water control measures.
- Maintenance and replacement of trees, shrubs and vegetation, weed control and re-staking and re-planting any failures.
- An annual inspection in accordance with condition 41 to be undertaken in conjunction with representatives of the Local Planning Authority to assess the aftercare works that are required the following year.

Thereafter the aftercare of the site shall be carried out in accordance with the approved scheme and programme including weed control, replacement of dead and dying trees shrubs or plants with species of similar size and species and maintenance of protection measures. A review of the aftercare scheme can be requested by the local planning authority in writing at the end of each phase of extraction.

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

#### **Annual Review**

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

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

#### **Annual Meeting**

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

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

#### **Definitions**

Heavy goods vehicle: a vehicle of more than 3.5 tonnes gross weight.

**Target Determination Date: 30 January 2025**

**Case Officer:** Sam Till

**Appendix A – Location Plan**

**Appendix B – Landscape Proposals Plan**

**Appendix C – Restoration Plan**