

North Yorkshire Council
Community Development Services
Strategic Planning Committee

30TH JANUARY 2025

NY/2023/0195/ENV - CONSOLIDATION OF EXISTING MINERAL EXTRACTION, INERT CONSTRUCTION WASTE RECYCLING, AND ANCILLARY USES (CONCRETE BATCHING, WORKSHOP, OFFICES, MESSROOM), UTILISING THE QUARRY ACCESS AND MOBILE PLANT WITH RESTORATION TO AGRICULTURE AND NATURE CONSERVATION INCLUDING THE IMPORTATION OF SOIL 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

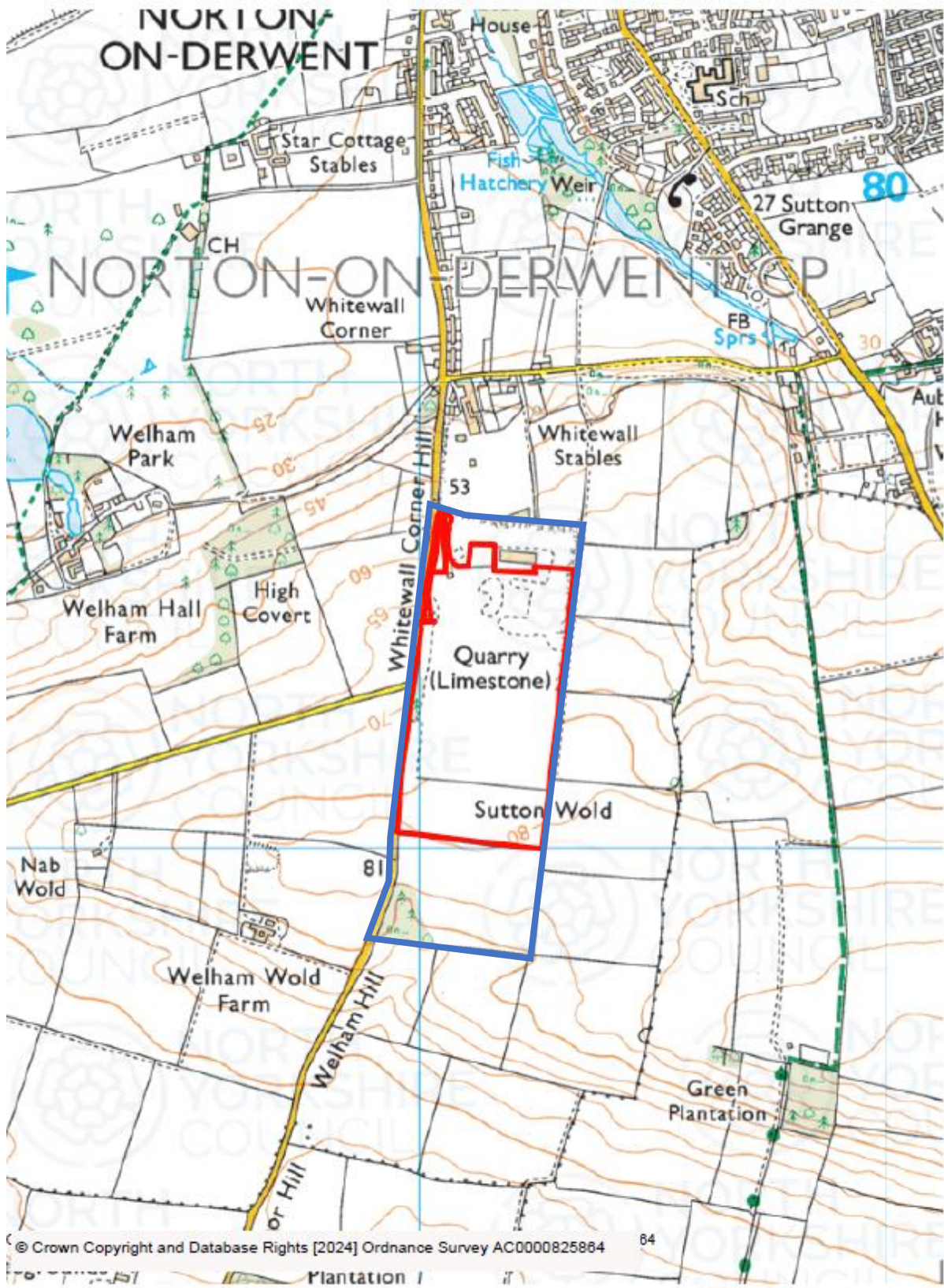
- 1.1 To determine a planning application for the consolidation of existing mineral extraction, inert construction waste recycling, and ancillary uses (concrete batching, workshop, offices, messroom), utilising the quarry access and mobile plant with restoration to agriculture and nature conservation including the importation of soil on land at Whitewall Quarry, Welham Road, Norton on Derwent, YO17 9EH.
- 1.2 This application relates the consolidation of various extant planning permissions 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 a consolidation application of the existing Whitewall Quarry site which includes the extraction of Jurassic limestone, a recycling area and a concrete batching plant. This recycling area is allocated Site MJP13 for CD&E waste in the Minerals and Waste Joint Plan, which was adopted in February 2022. It is proposed that the operations at the site including the minerals extraction, concrete batching plant and recycling would be limited to 11 years from the commencement of development, with a further year to allow the restoration of the site. The minerals extraction would be completed over four phases with extraction and progressive restoration in the quarry providing a fully restored site once complete. The continuation of the existing recycling area and concrete batching plant operations are ancillary uses in the existing quarry void and have been in place for over 20 years. The permissions for the operations at the site expired on the 23 October 2023 and this consolidation application would replace multiple previous permissions in relation to the site.

- 2.2. The existing Whitewall quarry site, subject to this consolidation application is located in Ryedale to the South of Norton on Derwent, the site is not within or in close proximity to “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 at the existing site 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. It is considered consistent with M01, M08, M05 and M09 which support the principle of this proposed development in regard to the requirements of minerals extraction.
- 2.4. In relation to the recycling area the proposal is in compliance with Policy W01, Policy W02 and Policy W05 of the MWJP due to according with the waste identification principles and the waste hierarchy in relation to the recycling area. The concrete batching plant is also in compliance with MWJP policy I02 as would provide a secondary aggregate facility in a quarry.
- 2.5. 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.
- 2.6. 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 continuing to amend the landscape through minor levels of further extraction and the retention of the existing ancillary uses, would not result in any unacceptable impacts on local amenity, the character of the surrounding area and landscape, the local highway network, ecology or the water environment or lead to an unacceptable impact on air quality or climate change. The proposed landscaping, restoration and aftercare of the site would make a positive contribution to biodiversity of the area. For these reasons it is considered that the principle of the development in this location is acceptable.



3.0 **Preliminary Matters**

3.1. Access to the case file on Public Access can be found here:-

<https://onlineplanningregister.northyorks.gov.uk/Register/Planning/Display/NY/2023/0195/ENV>

3.2. The relevant planning applications for this application which are detailed below:

- NY/2023/0062/ENV- Consolidation of existing mineral extraction, inert construction waste recycling, and ancillary uses (concrete batching, workshop, offices, messroom), utilising the 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 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 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 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 quarry and the reclamation and landscaping of 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 quarry. Granted 1947. Implemented.

3.3. Initial consultations were undertaken in November 2023, which were followed by various re-consultations with specific consultees in July, September and October of 2024. Neighbour notifications were sent on 21 November 2023 and site notices were erected on 11 December 2023. A Press Notice as also published in the Malton Gazette & Herald on 29 November 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 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 quarry area covers approximately 18.05 hectares.
- 4.4 The 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.
- 4.4 The existing site 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 site in Flood Zone 1.). The 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 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 - quarry, 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, 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 quarry 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 225 metres from the quarry boundary) and Welham Hill Verges SINC is adjacent to the south west corner of the site.
- 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 quarry.
- 4.8 The nearest residential properties to the quarry 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. Welham Wold Farm lies approximately 200m to the south-west and Nab Wold 600m west. The nearest property to the east is 'Furze Hill' at a distance of approximately 400m from the wider quarry boundary. Spring Cottage Residential Home and 'Spring Cottage Stables' lie off Langton Road some 500m to the north-east beyond the elevated position (60AOD) of Scott's Hill.
- 4.9 A Plan showing the location of the application site is Appendix A

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for the consolidation of existing mineral extraction, inert construction waste recycling, and ancillary uses (concrete batching, workshop, offices, messroom), utilising the quarry access and mobile plant with restoration to agriculture and nature conservation including the importation of soil. The proposal is split into three elements minerals extraction, recycling and the concrete batching plant which will be described separately in this section. A plan showing the existing site and the previous permissions is attached to this report as Appendix B. There are also Plans showing the application phasing attached to the report as Appendix C and a restoration plan is attached as appendix D. A number of existing conditions from previous permissions would be brought forward to this new consolidation permission, with the continued use of the weighbridge, wheel wash facilities, the existing haul road, workshop and access.

Minerals Extraction

- 5.2. The quarry site has been covered by multiple permissions previously for minerals extraction these are:
- C3/96/41A/PA (MIN0962) extraction of limestone. Issued 19 August 1982 and granted permission until 29 February 2042 (Grey on Appendix B).
 - C3/96/41D/FA (MIN0957) extension of the quarry for the extraction of limestone, retention of existing weighbridge office, workshop and messroom with site restoration on completion. Issued 26 September 1995 and granted permission until 31 December 2002 (Orange on Appendix B).
 - C3/07/00937/CPO (NY/2007/0247/FUL) extension of quarry. Issued 16 August 2008 and granted permission until 30 November 2023 (Green on Appendix B).
 - C3/05/00443/CP (MIN4025) extension of time for permission C3/01/00260/CPO (MIN3142) extension of quarry for the extraction of limestone and use of part of

the site for recycling operations. Issued 27 May 2005 and granted permission until 31 December 2014 and therefore expired (Red on Appendix B).

- 5.3. The four permissions had legal agreements linked to them which would be replaced as part of this application as this application would have new S106 requirements in relation to the restoration of the quarry and management of the highways which would supersede any previous requirements with the current up to date situation.
- 5.4. The annual rates of extraction at the wider quarry would be between 250,000 tonnes and 300,000 per year, which is stated as over 250,000 tonnes a year in the supporting statement. The quarry's planning conditions limit the depth of the quarry to 43 AOD, which is proposed to be continued through this application, the works are requested to be extracted over an 11 year period in line with the proposed further southern extension application (NY/2023/0062/ENV) which is pending determination.
- 5.5. The operation would include blasting however there is not a significant amount of minerals left in the existing site area. Blasts at the site are estimated to take place approximately every six weeks. Blasting currently takes place in the existing quarry. Within the existing quarry the faces would achieve an overall face angle of 80 degrees 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. The blasts would be designed to ensure the integrity of the limestone and the stability of the final faces. The extraction of the previously approved mineral would allow the stepping of benches as at present some historic faces have not been worked in this way, therefore extraction would not fully go up to the boundary of the site. 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. This is the same approach to blasting and site levels as the proposed southern extension (NY/2023/0062/ENV), as the consolidation area and southern extension would be worked as one operation.
- 5.6. Once a blast has taken place, stone is loaded onto a mobile crusher at the quarry face and is then screened using mobile plant into single size products. Quarry dust is also set aside and used for agricultural lime. Where rock is unsuitable for sale this very small proportion is used in the restoration of the quarry site.
- 5.7. The application includes a proposed restoration scheme and this would take place in a progressive manner, the restoration scheme encompasses the existing site and also 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.

- 5.8. Restoration would not be able to be progressed at an even rate due to the layout of the site, however progressive restoration will take place. The restoration scheme as shown on table E6 from the ES below shows that the updated restoration scheme would provide 14.10 hectares of agricultural land and 6.8 hectares of nature conservation. Due to the lack of soils on site at present and their general low quality approximately 60,000 tonnes of soils would be imported to restore the quarry floor to meet the requirement of 0.5 metre layer of soil to cover the whole site.

Table E6 Existing & Restored Land Uses Whitewall Quarry & Extension

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

- 5.9. The working hours for the site for minerals related operations 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. With specific hours of operation for blasting of 9:00-16:00 hours Monday to Friday, with no blasting on weekend, bank or public holidays.

Recycling Area

- 5.10. A retrospective application for the recycling area was granted on the 26 July 2022 Ref. C3/18/00967/CPO (NY/2018/0167/FUL), which gave permission until the 23 November 2023 matched to the permission for extraction at the Whitewall quarry site. The recycling area is coloured blue on Appendix B the existing permission's plan attached to this report. The permission includes condition one which authorises the importation of inert waste and demolition waste material recycling until 23 November 2023 or until such a date as quarrying ceases whichever is sooner. The intention of this condition was to align with quarrying operations which expired on the same date or an extended date for the quarry. Due to the requirement for this consolidation

application to simplify the conditions of the existing Whitewall quarry site, the recycling operation was included within this application.

- 5.11. The operation recycles construction and demolition waste in the base of the quarry, under an Environmental Permit. Recycling is completed on a backhaul basis, where possible, with no additional HGV movements. The material once received, if deemed acceptable with non-inert waste screened out is stockpiled up to 8 metres high into various sizes and types and loaded out for sale. Crushing and screening is undertaken on a campaign basis when sufficient material is accumulated to warrant treatment. Soils will be sold or stored on site to supplement progressive restoration. Through the recycling process the site will import material which can be utilised in restoration if available.
- 5.12. The annual throughput has a maximum of 25,000 tonnes per annum in the environmental permit and currently averages 12,000 to 18,000 tonnes per annum. Upon cessation of minerals extraction stockpiles will be removed and the site area will be restored in accordance with the approved restoration scheme.
- 5.13. The working hours for the site for the recycling operations would be 7:00-17:00 Monday to Friday, 7:00-12:00 Saturday and no working except for essential maintenance on Sundays and Bank/Public Holidays.

Concrete Batching Plant

- 5.14. This was originally approved through condition 12 of planning permission C3/01/00260/CPO (MIN3142), which as stated in paragraph 5.3 of this report was later varied to C3/05/00443/CP (MIN4025), for an extension of time until 31 December 2014. The concrete batching plant is within the existing whitewall quarry site and it is considered that this consolidation application will give the council further control of the concrete batching plant, which is currently without an extant permission.
- 5.15. This is located in the northern part of the quarry site and serves the concrete panel plant at the site, which is approved through two further permissions required to be varied (NY/2023/0200/73 and NY/2023/0201/73). The concrete batching plant also covers outside customers generally within a 15 mile radius and the product is used by local construction companies. The applicant states all raw materials apart from cement deliveries are imported in the company's wagons on a back haul basis which the applicant states that there is only extra traffic associated with this activity to transport the product to external customers. Provision is made for occasional cement delivery, and disposal of washout, which is the by-product of cleaning out mixer trucks, which is stored on site and conveyed to the recycling site for processing and re-sale.
- 5.16. The working hours for the site for concrete batching operations would be 7:00-17:00 Monday to Friday, 7:00-12:00 Saturday and no working except for essential maintenance on Sundays and Bank/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
 - National Planning Policy for Waste (NPPW)
 - 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:** Has made no comments in regard to the application.
- 7.3. **Norton on Derwent Town Council:** Has made no comments in regard to the application.
- 7.4. **Environment Agency York:** A response was received on the 9 January 2024 stating that they have no objection to the proposal. They agree with the findings of the Biodiversity Net Gain section found within the Environmental Statement and the Ecological Impact Assessment and that Net Gain provide would be greatly above the 10% legally required under the Environment Act (2021). They further include that the mitigation detailed for the other species is suitable and would ensure that there is no adverse effect upon them. Lastly, they comment that in addition to the Invasive Non-Native Plant Species, Rockspray cotoneaster would need to be removed from the site to prevent it spread, and that the proposed strategy outlined would achieve this.
- 7.5. **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 Highways Authority was received raising several concerns including 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 Highways 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.

- 7.6. Furthermore, the consultee states that the daily traffic limit of 190 loads (clarified as 380 movements (190 each way)) would be measured by combining the weighbridge records and the concrete plant output and a maximum daily level of traffic for all activities (except concrete panels) is adopted of 190 loads in and out. The highways authority states it is not proposed to impose separate daily limits or annual production outputs for ready mix concrete and recycled materials in view of their limited significance. They will instead be managed within the maximum daily limit. The daily tally of vehicles leaving the site will be made available on request to the planning authority with the annual production reported to the local planning authority separately to demonstrate compliance.
- 7.7. 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 380 HGV movements (190 each way) 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.
- 7.8. **The Lead Local Flood Authority (SJDS)**: A response was received on the 23 January 2024 stating that based on the submitted documents they have no comments to make.
- 7.9. **Natural England**: A response was received on the 21 November 2023 stating that they are not able to provide specific advice on this application and therefore has no comment to make on its details. They have however offered general advice and references including advice on how to approach Sites of Special Scientific Interest Impact Risk Zones, landscape, protected species and biodiversity among other matters which can be found within their full response.
- 7.10. **Planning Casework Unit**: Has made no comments in regard to the application.

- 7.11. **Sustrans:** Has made no comments in regard to the application.
- 7.12. **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/2023/0062/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)
- 7.13. 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).
- 7.14. 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.

- 7.15. 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 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 quarry for access, operational working, and phased restoration, but there is potential for cumulative adverse effects if phased and progressive restoration is not achieved.
- 7.16. 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.
- 7.17. **NYC Ecology** A response was received on the 12 September 2024 stating that they confirm that the Biodiversity Management Plan (BMP) is satisfactory as a strategic document, however, expect it to be reviewed and updated as necessary during restoration. They include that revisions could be linked to the phasing of development or occur at regular intervals, such as every 5 years.
- 7.18. **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.

- 7.19. After further discussion with the Archaeologist a further response was received stating that as the description of development is limited to the current quarry basin and there is no requirement for further soil stripping with the final phase taking place in 2015, with the consultee stating that they hold a written scheme of investigation for this final phase. The consultee also states that they have a reports for phased strips from 1995, 2002, 2004, 2007 and 2010. Requesting that the applicant provides the final report from 2016 which is referenced in the Environmental Statement. The consultee therefore has withdrawn the request for the two conditions as they would not be required.
- 7.20. **Yorkshire Water Services Ltd:** A response was received on the 5 December 2023 stating that based on the information submitted, no observation comments are required from them.
- 7.21. **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 report for the proposed extension of time to work and process limestone.
- 7.22. 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.
- 7.23. 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.
- 7.24. **Health and Safety Executive (Quarries):** Has made no comments in regard to the application.

Local Representations

- 7.25. 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 139 signatories. A summary of the comments is provided below, however, please see website for full comments.

Objections:

- Residential Amenity: Increased noise, traffic, and pollution affecting homes and nearby stables.
- Air Quality and Health: Dust pollution from HGVs affecting Norton, an Air Quality Management Area,
- Traffic Impact: Increased extraction and imports leading to congestion, particularly in Norton Town Centre, with traffic exceeding agreed limits.
- Heritage Protection: Lack of landscaping and mitigation plans for impacts on listed buildings, conservation areas, and archaeological sites.
- Cumulative Impacts: Rising HGV traffic, population growth, and expanded train services increase congestion, gridlock, and road safety concerns.
- Ready-Mix Concrete Plant and Material Imports: Concerns about reopening the plant, requiring material imports from Seamer Quarry which is approximately 19 miles away), increasing daily trips, further increasing traffic and affecting carbon reduction goals.
- Alternative Supply Availability: Sufficient ready-mix concrete suppliers exist locally, including one in Malton, reducing the need for additional capacity at this site.
- Quarry Extraction: The objection states that Whitewall Quarry primarily supplies crushed rock, not building stone, and lacks evidence of quality or regular sales for historic building repair.

Support

- 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.
- Business Continuity: The extension would ensure continued material supply, preventing higher costs and potential job losses in local industries.

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 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.
 - 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 the consolidation of mineral extraction permissions at the site, inert construction waste recycling, and ancillary uses (concrete batching, workshop,

offices, messroom), utilising the quarry access and mobile plant with restoration to agriculture and nature conservation including the importation of soil.

- 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 the proposal does not seek to alter the number and timing of the vehicular movements above the level currently in operation; the hours of working and the overall operation itself, all of which are requested to remain at present levels. However, this application gives the authority the opportunity to review current working practices at the site and provide appropriate conditions in relation to the site. It is also noted that there is an extension application for the site (NY/2023/0062/ENV) which includes a further physical extraction area, which is allocated in the MWJP as MJP12. There are also two separate variation condition applications in relation to the concrete panel operation (NY/2023/0200/73 and NY/2023/0201/73) which are located at the base of the quarry next to the concrete batching plant and will be determined taking into account the further extension application and this consolidation 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 applications now to be determined it gives the opportunity to have the same requirements in terms of conditions throughout the wider quarry (including the extension area NY/2023/0062/ENV) where possible.
- 10.3. The extant permission for the site expired on 23 November 2023 and this consolidation application was received before that date. The existing site has restoration requirements which if this extension of time for existing operations is not approved would be required to be implemented. The applicant has submitted the consolidation application to match the time period of the southern extension area (NY/2023/0062/ENV) so the ancillary operations can continue to benefit from extraction taking place at the quarry site and restoration be progressively completed as the quarry extension moves south. The quarry has minimal extraction left within the existing site with 700,000 tonnes of reserves left at the date the application was submitted. Due to the phasing as shown on Appendix C the extraction within the previously approved site would not be until towards the end of the 11 year period after the extension area proposed in NY/2023/0062/ENV has been extracted. The phasing plans in Appendix C also show how the restoration would progress as extraction is completed.
- 10.4. The applicant states in the supporting statement that the sites infrastructure and ancillary uses are required to be in operation if the application for the further reserves is permitted, so the Quarry (including the proposed extension) can function as a whole and remain in profit. The proposed consolidation application is intrinsically linked to the southern extension application and the considerations of this application are reliant on the extension application also being recommended for approval. If the southern extension application were not to be granted the considerations of this consolidation application would be required to be re-considered as the 11 year period for operations would not be required and extraction at the existing site would be required to be considered without the 2 million tonne southern extension. The draft schedule of conditions would be required to be updated to extract the last mineral in the current site within 12 months of the date of the decision and the site to be fully

restored after a further 12 months and the other operations at the site would also be required to cease. This report will assess the acceptability of the quarry site minerals extraction and the ancillary operations which are currently undertaken being recommended for approval and an updated restoration scheme which takes into account the proposed further physical extension to the site, if the southern extension application is refused the considerations and draft schedule of conditions of this report will be required to be updated or the applicant would be required to withdraw this consolidation application.

- 10.5. 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 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 separate application (NY/2023/0062/ENV) 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 reasonably practical and operationally feasible.
- 10.6. 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 encouraging 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.
- 10.7. In terms of the minerals extraction 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 economic growth and in regard to paragraph 226 encourages local

planning authorities to plan to maintain 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”*.

- 10.8. 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 6th 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 1st January 2015 to 31st December 2030 is set at 51.75 million tonnes which includes a 6.8 million ton provision of Jurassic limestone at an equivalent rate of 0.45 million tonnes per annum. Table 3 in the adopted MWJP states that for Jurassic limestone there is a residual shortfall of 1.8 million tonnes during the plan period. The most recent Local Aggregate Assessment, (8th Review), states that the shortfall for Jurassic limestone is now 0.3 million tonnes. MWJP Policy M09: Meeting crushed rock requirements, includes the allocation of potential new permissions and one of the allocated sites included is “MJP12: Whitewall Quarry, near Norton” which is application NY/2024/0062/ENV for the southern extension to Whitewall Quarry, however the allocation does not include the extent within this application for the Whitewall quarry as it was already an active site when the plan was adopted.
- 10.9. In regard to compliance with MWJP policy M01 and NPPF paragraph 224 in this instance, it is considered that minerals can only be worked where they are found and the site is an existing feature in the landscape having been a quarry for a significant period of time. The impact of the site has been mitigated in previous conditions with screen planting and sand-off’s from Welham Road. This application includes a requirement for advance planting to gap up any previous screening along the site. During operations there would also be mitigation measures 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), with the quarry basin being an existing landform in proximity to the Yorkshire Wolds and would utilise existing infrastructure on site. Therefore it can state 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.
- 10.10. 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”*. Newbridge Quarry stated in the MWJP 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 left. The second site is Settrington Quarry, for which there is an outstanding application for a further extension which is also an allocated site. In regard to M06 as Newbridge Quarry and Settrington quarry being the only other active Jurassic

limestone quarries in North Yorkshire it supports the requirement that this allocation is still required.

- 10.11. There is an objection which states that Whitewall Quarry primarily supplies crushed rock, not building stone, and lacks evidence of quality or regular sales for historic building repair. Although the application does state that building stone can and is provided from the quarry in small quantities, the main material from the site is crushed rock, which there is a requirement for in relation to the MWJP and the NPPF in terms of a landbank. The Local Aggregate Assessment for the North Yorkshire Sub-region (8th review 2021) is the most up to date published assessment in terms of the current resources in the sub-region. The assessment states that the crushed rock landbank is over 25 years, which is above the 'at least' ten year requirement. This, however, does not impact upon the acceptability of the extension of time for further extraction at the existing site as it indicates the existence of a level above the minimum requirement at the point of assessment and serves to indicate that, at present, there is not an urgent need which is reiterated in the government planning practice guidance in relation to minerals. When specifically looking at Jurassic Limestone the annual requirement is approximately 0.45 million tonnes, with 3.6 million tonnes required over the plan period. The current reserves for Jurassic limestone stated within the LAA is though only 3.3 million tonnes, which is why there is still a requirement for this resource. 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 for the small area of remaining mineral extraction within the existing site, which has been left at present to be utilised as a platform for the further physical extension of the quarry and the western boundary of the quarry which in previous schemes has been the final phase, where the face will be stepped with benches to create rock catches for the proposed restoration scheme.
- 10.12. The allocation of land south of the existing site and red line boundary is relevant to this application as it demonstrates that the mineral at the quarry is considered important in helping to deliver the required amount of limestone detailed in Policy M05 and will help maintain the 10-year landbank as it deals with the determination of mineral planning applications and includes criteria that are required to be considered when determining a mineral planning application. The extraction of the final amount of mineral in the existing site although not significant would contribute to this landbank and also facilitate the requirements of a restoration scheme for the site. The extraction of minerals is supported by paragraphs 222, 224 and 226 of the NPPF 2024 relevant paragraphs required here which deal with the supply and benefits of minerals.
- 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 development 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. The principle of recycling inert and demolition waste was established in 2002 when planning permission was granted for an extension to the quarry and for an area within the quarry to be used for recycling. The use of the quarry for both the extraction of limestone and recycling is therefore well established. The quarrying and recycling operations have proved successful and serve the surrounding area. The recycling area of the existing site currently has permission and the consolidation application would not change any working practices in relation to this recycling as stated in paragraph 5.11-5.14 of the report. The relevant MWJP policy in relation to the recycling operation is Policy W05 of the MWJP seeks to secure the means of managing construction, demolition and excavation waste (CD&E) within the Plan area and, in addition to establishing the criteria against which to assess proposals coming forward in Part 1, it identifies in Part 2 sites that could assist in contributing to narrowing the identified gap in the Plan area's CD&E management capacity. It should be noted that the Policy identifies Whitewall Quarry as a site to which support for the management of CD&E waste and the previous application was deemed to be acceptable. A recycling site at Whitewall quarry is also allocated in the MWJP as MJP13, which has previously been approved (NY/2018/0167/FUL). The Key sensitivities stated in the allocation MJP13 are:

- *“Ecological issues, including impacts on: River Derwent SAC, potential habitats.*
- *Heritage asset issues as identified by Historic England, including: proximity to*
- *and impact on Scheduled Monuments (The Three Dykes and the barrow at West*
- *Wold Farm, Langton Conservation Area, Listed Buildings (Whitewall House and*
- *Whitewall Cottages and stable and buildings in Langton and their settings)*
- *Landscape impact if retained in long-term.*
- *Water issues, including hydrology, flood risk (Zone 1) and surface water.*
- *drainage*
- *Traffic impact, including: access, HGV use of local roads, the Yorkshire Wolds*
- *Way cycle route, Malton and Norton and the economy*
- *Amenity issues, including: noise, dust and cumulative impact in relation to*
- *residential amenity and the proximity of the adjacent stable.”*

In addition to this the reasons for the allocating the site were:

“The site is located within the existing Whitewall Quarry operational area where and is adjacent to an area where recycling currently takes place.

The site could contribute to the provision of infrastructure which could help move waste up the waste hierarchy (Policy W01), facilitate net self-sufficiency in the management of waste (Policy W02) and to meeting capacity requirements for CD & E waste (Policy W05). Subject to it being linked to the life of Whitewall Quarry it would not conflict with Policy W11 waste site identification principles. No major issues have been raised by statutory consultees in respect of local amenity, landscape, biodiversity, historic and water environments which indicate any significant conflict with other strategic policies in the Plan.

There are development requirements which have been identified through the site assessment process which would need to form part of the development proposals for any subsequent planning application and consideration will need to be given to potential impacts on residential amenity and the adjacent stables. No overriding

constraints have been identified at this stage through the site assessment process to indicate that the site could not be developed and operated in an appropriate manner”.

- 10.15. In relation this updated scheme the only amendment is to facilitate the progressive restoration of the site the recycling area location would be amended in each phase of the development to make best use of the quarry floor area. It is though considered that the recycling area would never move any closer to the properties on Whitewall at any point during the 11 year extension of time and instead would move further south to allow for the restoration of the current recycling area.
- 10.16. The National Planning Policy for waste is also relevant in the determination of the application which outlines the role of planning in achieving the UK's waste management goals, while also protecting human health and the environment. The NPPW in appendix B gives assessment criteria for waste sites which includes in this instance it is considered that the recycling operation in the quarry basin is an acceptable location in regard to this policy due to having suitable links to the road network, no impact on nearby sensitive receptors, nature conservation or landscape and does not conflict with the land use of the quarry and other ancillary operations.
- 10.17. The planning application area in terms of recycling has been operative for some years serving the immediate area with a sustainable recycling facility and the site is well served by the local and regional highway network. The location of the continued recycling operations is therefore considered acceptable for the purposes of Policy W01 of the MWJP in that it would move waste up the waste management hierarchy; Policy W02 of the MWJP in that the existing location at Whitewall Quarry is an allocated site for recycling; Policy W05 of the MWJP in that it would secure the management of construction, demolition and excavation waste; Policy W11 of the MWJP in that it would accord with the identified principles of the policy; and Policy D10 of the MWJP in that it could be time limited to the life of the quarry and recycling operations which require the restoration of the site. The proposal would also accord with Policies SP6 and SP20 of the Ryedale Plan – Local Plan Strategy Plan. Policy SP6 supports major industrial processes involving the extraction, utilisation, working or harnessing of natural materials or land assets where they are required in that location and no other suitable sites are available in the locality. The operations would be located in the base of a quarry, would not prejudice continued operation of existing neighbouring land uses, and would be acceptable for the purposes of SP20. The location of the proposal therefore accords with the policies to the development plan and the policies of the NPPF and NNPW.
- 10.18. The proposal in relation to recycling also accords with MWJP Policy W01 in that it would facilitate net self-sufficiency in the management of waste (Policy W02) and to meeting capacity requirements for CD & E waste (Policy W05). It would also accord with Policy W11, waste site identification principles as a designated Site Allocation MWJP 13, and Policy D01 in that it would improve the economic, social and environmental conditions in the area. Policy SP19 of the Ryedale Plan Local Plan Strategy supports sustainable development and applications that accord with the policies in the Local Plan. An assessment of the application against the policies of the development plan is undertaken below, but the principle of the proposed development is considered acceptable for the above reasons.

- 10.19. It is considered the concrete batching facility has been in place since 2002, when it was approved as part of a mineral's extraction application. There is an objection in regard to availability of an alternative supply of concrete with sufficient ready-mix concrete suppliers exist locally, including one in Malton, reducing the need for additional capacity at this site. The principle of the existing concrete batching facility is considered in accordance with MWJP policy M11 as it would facilitate the supply and use of secondary aggregate at an existing site where primary raw material is produced and is an appropriate located minerals extraction site with the processing and onward sale of recycled aggregate. It is also in accordance with MWJP I02 as would meet the locational criteria of being at an active minerals site adding value to the site as the Jurassic limestone from Whitewall quarry can be utilised for a low grade ready mix concrete for undemanding locations in addition to being used in some products produced by the panel plant, the development would also not have an adverse effect on amenity or unacceptably increase the overall amount of HGV movements on the highways network both of which will be discussed in further detail later in this report. As required by I02 the concrete batching plant would also be linked to the minerals extraction end date and be required to be restored after extraction at the site has been completed.
- 10.20. 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. The proposed scheme is for the existing site and to continue to utilise the current structures and ancillary operations. If the extension to the quarry were also approved separately to this permission the minerals extension would benefit from the presence of existing infrastructure (weighbridge, offices and site access) currently in place at the quarry. The other ancillary operations at the site which include a concrete batching plant, concrete panel plant and a recycling operation, which would have the previous conditions carried forward to this consolidation application and amended where deemed necessary. 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.
- 10.21. In terms of NPPF paragraph 224 and the cumulative impacts of this consolidation application and the further extension application (NY/2023/0062/ENV) It is considered that unavoidable noise and dust can be controlled by adequate conditions, with the restoration and aftercare being completed to the highest possible standard at the earliest opportunity. The NPPF para 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 as the application documents have sufficiently shown that the existing site operations can be sufficiently mitigated to provide an acceptable level of residential amenity and the landscape. 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.

- 10.22. In letters of support of the application provided by the applicant, which have been provided by 139 signatories as well as the 23 public representations in support state the importance of the site to the local economy is also stated in regard to providing jobs and providing continued material supply. However the 15 objections have also been received in relation to the alternative supply of ready mix concrete in the area and the impact on the amenity of the area specifically in regard to noise, traffic, air quality and heritage impacts. In regard to the Malton and Norton neighbourhood plan the consolidation application 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.
- 10.23. Therefore, extending the time for extraction of crushed rock from the existing Whitewall Quarry as well as the continuation of the existing ancillary operations in the site of which the recycling operation is allocated in the MJWP, is acceptable in principle, as 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 and stopping the sterilisation of mineral at the site, 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. The proposal is also in compliance with MWJP Policy D01 which support sustainable development. It is also in compliance with Ryedale policy SP6 and SP19 due to being identified in the local plan as a site which is required for minerals extraction in the locality and that the benefits of extracting this mineral would outweigh any adverse impacts and is consistent with the NPPF. The principle of the proposed concrete batching plant and recycling area are also considered to be acceptable as are in accordance with MWJP Policy I02, Policy W01, Policy W02 and Policy W05. It would also accord with Policy W11 waste site identification principles as a designated Site Allocation MWJP 13, and Policy D01 in that it would improve the economic, social and environmental conditions in the area. Policy SP19 of the Ryedale Plan Local Plan Strategy supports sustainable development and applications that accord with the policies in the Local Plan.

Amenity

- 10.24. The site has operated as a quarry under the terms of the previous permissions. This planning application proposed to maintain the sites existing management operating practices, including hours of operation, dust suppression measures and noise monitoring. However it is understood that 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 on noise, identifying tranquil areas and limiting light pollution. The relevant development plan policies which need to be considered in terms of amenity are MWJP Policy D02: Local amenity and cumulative impacts, MWJP Policy D14: Air quality, RLPS Policy SP6: Delivery and Distribution of Employment/Industrial Land and Premises Policy SP17: Managing Air Quality, Land and Water Resources.

Noise

- 10.25. 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, Welham House, Whitewall House/Stables and Furze Hill/Stable Cottage. Predicted noise levels from the proposed development have been calculated at the nearby noise sensitive premises. The predictions are based upon detailed information regarding the proposed working of the site and have been undertaken following calculation methods that are suitable for open sites and quarries. The report states that the development has been assessed with reference to policy and guidance specifically relating to noise emissions from mineral sites. The report concludes that the outcome of the assessment demonstrates that the proposed scheme is able to operate in accordance with these noise standards and there are not to be considered to be any significant or unacceptable adverse impacts. The report has made a range of recommendations to minimise potential noise emissions from the site during the implementation of the proposed scheme, these being largely consistent with schemes of mitigation for the site along with some enhanced mitigation measures to further reduce the potential impact on residential amenity within the vicinity of the site.
- 10.26. Policy D02 of MWJP states where it can be demonstrated that there will be no unacceptable impact on the amenity as a result of noise, dust, vibration or emissions to air, with proposals being required to first “prevent adverse impacts through avoidance” and where this is not possible use “robust mitigation measures”. Part 2 of the policy states applicants are encouraged to engage with local communities in regard to proposals. 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. Paragraph 198 of the NPPF specific in relation to noise in addition to the information in paragraph 10.18 of this report states Decisions should aim to minimise and reduce to a minimum adverse impacts from new developments and prevent noise from significantly harming health and quality of life. 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.

- 10.27. 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.
- 10.28. The existing site in terms of minerals extraction had noise measures through conditions which include the hours of operation, noise levels not being 10dB above background levels, a requirement to take steps to stop excessive noise, it also has conditions in relation to noise in regard to the recycling operation which include plant noise attenuation, non-audible reverse alarm systems, hours of operation and noise levels. The recommendations of the noise report 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 noise sensitive properties, 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.
- 10.29. 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 is within in paragraph 7.25). In relation to this the hours of operation for the quarry have not been requested to be extended through this application and would match the existing operation 06:30 – 17:00hrs Monday to Friday, 07:00 – 12:00hrs Saturdays and at no times on Sundays and Bank (or Public) holidays in relation to minerals extraction and 07:00 – 17:00hrs Monday to Friday, 07:00 – 12:00hrs Saturdays and at no times on Sundays and Bank (or Public) holidays in regard to the concrete batching plant and recycling area.

- 10.30. In regard to the operations of the quarry, 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.

Table E23: Calculation Results				
Assessment Location	Calculated Specific Sound Level LAeq,1h (free-field) dB			
	Normal Operations			Short-term Operations
	Early morning 0630 - 0700	Daytime		
		No Drilling	During Drilling	
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

- 10.31. The Noise Assessment (which includes the minerals extraction, the concrete batching plant and recycling area) shows that the worst-case noise levels generated by temporary operations such as screen mound construction operations and soil movement operations, would remain significantly below the absolute noise limit of Temp Ops 70dB LA_{eq, 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 LA_{eq, 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.

- 10.32. 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 the proposed operation of the mineral workings in the southern extension to the nearest receptors. The assessment concludes that 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) LA_{eq,1h (free field)} up to a maximum limit of 55 dB(A) LA_{eq,1h (free field)}, which is in line for guidance on acceptable limits to a property.

- 10.33. Within the information supporting the application the applicant has requested that the previous hours of working for minerals extraction at the site are continued

this would now include a portion of 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 any concrete batching plant or recycling operation working. 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. 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. This would bring the previous conditions up to a current standard in relation to minerals extraction and the previous hours of operation for the recycling operation would be kept at starting at 0700 hours.

- 10.34. 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.
- 10.35. 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, it is accepted that minerals extraction and their ancillary operations have 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 and the PPG guidance for minerals as it would avoid noise giving rise to any significant adverse impacts on health or quality of life.
- 10.36. It is considered that if permission is granted it should be subject to noise limit conditions in line with PPG for mineral development and including a requirement for the operator to produce and implement a scheme to monitor and control noise from the operations which are in line with the PPG for mineral development. 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.

- 10.37. In light of the above, it is considered that predicted noise levels arising from the development would remain within acceptable limits as defined in national planning guidance and the unavoidable noise from the site can be controlled and mitigated to minimise the impact in compliance with the amenity protection elements of MWJP Policy D02 as the proposal is designed to minimise the impact of the working and safeguard amenity standards, with no unacceptable impacts on the local environment which includes the noise management plan (condition 13) as well as conditions 10, 11 and 12 would sufficiently mitigate the impact of application site 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 site 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). 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.
- 10.38. 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.
- 10.39. 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 quarry and is not considered to have a significant impact on residential amenity.
- 10.40. The application 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.

- 10.41. Therefore when considering this application in regard to the impact on horses, the above section has concluded there would be no significant effects on the amenity of local residents in relation to noise, it is a reasonable assumption that noise would 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 quarry 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.
- 10.42. 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

- 10.43. 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.
- 10.44. 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 PM₁₀ emissions stating the background mean for PM₁₀ at the site is 11.26 ug/m³, whilst at Whitewall stables it is 10.81ug/m³, which is less than the DEFRA guidance formula of PM₁₀ of 17ug/m³. The applicant states that it is likely that the extension area would not add to these background levels of the current existing site when looking at the cumulative impact.

- 10.45. The existing conditions for the 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. The Air Quality Assessment recommends a dust management plan 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.
- 10.46. Paragraph 10.26 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.*
- 10.47. 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.

- 10.48. 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’*.
- 10.49. The application currently includes objections in regard to the impact of dust and 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. 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 this permission would be increasing 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 380 total movements per weekday through the site with 140 HGV vehicle movements proposed through condition 19 on this application for the ancillary operations and 240 for the mineral’s extraction operation HGV movements from the totality of the Whitewall Quarry site (extension application NY/2023/0062/ENV included) which is condition 18. 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. It is considered that the cumulative impact of the mineral’s extraction operations and the ancillary operations which would allow a total of 380 HGV movements (190 each way) out of the site entrance would be acceptable and would not cause a significant impact on the amenity of residents in relation to air quality.
- 10.50. 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.

- 10.51. There has also been no objection from the EHO on the grounds of dust impacts, which requested the same dust control measures as previously secured at the site. It is though considered that a dust management plan should be conditioned (condition 9) to make sure robust mitigations 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 for the relevant operations at the quarry. 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 site.
- 10.52. 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 operator 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.
- 10.53. The robust condition which would be in place aimed at controlling the adverse effects of 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 their being no objection from the Environmental Health Officer.

Vibration

- 10.54. 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 north of the quarry (which is

within the proposed extension area subject to application NY/2023/0062/ENV), with the intention to gauge the effects of vibration on this structure. Previous permissions included blasting and it is not proposed for any changes to the blasting arrangements in regard to this application. However it is considered appropriate to update the conditions in relation to blasting for this application to a higher standard than previously approved.

- 10.55. The Vibration Assessment indicates that blasts have been designed taking into account the inhabited properties surrounding Whitewall Quarry stating the allowable maximum instantaneous charge weight of 8mms, which is the previously approved level at Whitewall quarry, should be continued. The report states keeping this restriction level would comply with the British standard guide BS 6372-2:2008, which is a UK standard providing guidelines for evaluating human exposure to vibration in buildings and that low ground vibration levels accompanying air overpressure would be at a safe level. The report also confirms that at this level the proposed blasts would be safe in regard to the integrity of structures and also takes into account human perception.
- 10.56. The Vibration Assessment states in regard to this application Welham Wold Farm is the only receptor with potential impacts from vibration being approximately 300m from existing site, with all other receptors over 500m from the site. The other receptor is the Yorkshire Water pipeline running underground through the proposed extension area subject to a separate application 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 zero impact on the horse racing industry, which is in compliance with the Neighbourhood plan policy HRI2 in regard to the horse racing area.
- 10.57. In regard to the water mains which is south of the application site the report states there would be no impact from blasting, 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 site is replicated and that blasting is continued to be monitored at nearby sensitive properties
- 10.58. 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.

- 10.59. 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 mineral 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.
- 10.60. The officer view it is that the applicant’s vibration assessment is accurate and it is not likely that with no change to blast design from the process used at the previous quarry operational site, the location of the material still to be extracted through blasting and the topography of the site means that there would be any significant impacts from the continuation of these practices at the Whitewall Quarry extension, with conditions to mitigate its impacts and it is not likely to breach existing limits for local receptors of a PPV of 8 mm/s. The Environmental Health Officer has reviewed the application and has considered the Vibration Assessment and accepts its findings, recommending that the conditions in place at the site at present are upheld, 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. The officer view is that the conditions in regard to blasting should though be updated to current standards and give further mitigation than at present. This includes requiring specific blasting hours of operation which limit the site 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 site 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).
- 10.61. These conditions would minimise 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, as long as blasting is kept below the recommended site vibration criterion at residential properties, of 8mms-1 at a 95% confidence level at the given separation distances. The conditions limiting blast levels, hours and a monitoring scheme would provide ongoing oversights 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 Vibration Assessment and proposed mitigation show that the blasting would be able to sufficiently controlled to limit any material adverse impacts in relation to vibration and air overpressure 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.

- 10.62. To give the planning authority further control throughout the lifetime of the application this application should include a requirement for additional blast monitoring locations dependant on the phase the blast is to take place, which is included in condition 15. This would further limit the impacts on any residential properties in the area, specifically in phases 3 and 4 where works come closer to Welham House, Whitewall House/Stables and Furze Hill/Stables Cottage. This would allow throughout the lifetime of the operation the planning authority to make sure there were no significant impacts on residential amenity through blasting.
- 10.63. It is considered that the proposed development cannot avoid vibration from blasting due to the nature of the process, therefore is considered compliant with Policy D02 (1) of the MWJP as it would not give any unacceptable impacts and has robust mitigation measures to control the blasting process. It is considered that the above mentioned three conditions (14, 15 and 16) would give sufficient mitigation to limit the impact of blasting on the surrounding area, to a level with no unacceptable impacts. The second part of Policy D02 (2) states that applicants are encouraged to conduct early and meaningful engagement with the local community and to reflect the outcome of those discussion in the design of proposals. In this respect, paragraph 10.37 outlines the approach the applicant took in regard to public engagement which is deemed acceptable in this instance.
- 10.64. 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. As 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 above stated conditions would satisfy the requirements of the Environmental Health Officer.
- 10.65. The application includes objections in relation to the impact of vibration and air overpressure from blasting. However 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, Welham House, Whitewall House/Stables and Furze Hill/Stables Cottage and the Yorkshire Water mains, with no risk to property or infrastructure. 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.

Highway

- 10.66. 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. Since the original submission there has been a Supplementary Transport Statement (July 2024) and a Traffic Technical Note (September 2024) and a Travel Plan (Appendix S5) has also been produced with information in relation to trip generation and trip distribution. To further support the above, the application includes a HDV management plan with recommendations to manage the traffic at the site 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.
- 10.67. 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 applicant's report states the application is not likely to give rise to any significant environmental transport effects in relation to these specific receptors. Whitewall Quarry has been operational for many years and the same access is proposed to be utilised for the consolidation application as well as the proposed further extraction area subject to separate application.
- 10.68. 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. 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 the application should be supported by a vision led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.
- 10.69. A significant proportion of the concern from residents is in relation to the numbers of HGV movements in relation to the site, not just in terms of the extraction but the

cumulative impact of other operations of the site. The application has also received support stating that there are no significant traffic issues.

- 10.70. In relation to highways impacts the application must be split into considerations of the mineral's extraction and the ancillary operations. As this application for the consolidation of previous permissions includes minerals extraction any proposal must work in conjunction with the physical extension application (NY/2023/0062/ENV). The officer view is that this consolidation application should not allow any additional HGV movements on top of the movements approved through NY/2023/0062/ENV for minerals extraction, as the documentation submitted for both applications put forward a scheme which takes into account HGV numbers of the whole Whitewall Quarry site with the total number of movements out of the one site entrance.
- 10.71. In addition to the maximum number of HGV movements above the applicant has provided Table 7 existing site at maximum capacity: annual average trip generation that information in full split to each type of activity at the site not as a maximum but on average. This table states on average the number of movements would be 190 (95 each way). This table though takes into account the concrete panel plants that will be approved separately through the S73 applications NY/2023/0200/73 and NY/2023/0201/73.

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
HGV Exports					
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
TOTAL	390,500	1,562	87	174	17
HGV Imports					
Concrete Plant (includes panel plant)	39,750	159	8	16	16
Recycling	Backhaul only				
TOTAL	39,750	159	8	16	16
GRAND TOTAL	430,250	1,721	95	190	33

- 10.72. It is though noted that the applicant states that the average number of HGV movements for the wider site would be 190 (95 each way) and the technical note September 2024 shows that the top end of the HGV movement figures have only been achieved in less than 10 working days in the past 5 years. The applicant in the application process when a maximum was stated to be required requested that this be at 380 (190 each way), as the supplementary transport statement and technical note include further information stating that this would be an acceptable level. In relation to this 240 (120 each way) would be in relation to minerals extraction. In relation to the ancillary uses if you take out the minerals extraction HGV numbers this leaves an additional maximum 140 movements (70 each way), it is considered that the highways network has capacity for this level of movements and when weighing

the scheme in the planning balance the requirement for the extraction of minerals to take place where they are found and the benefits of this taking place at an existing site with the ancillary operations of the concrete plant and recycling operation outweigh any of the harm that could be caused through these vehicle movements. In terms of the cumulative impact of minerals extraction and additional HGV movements from this existing site consolidation application and the new extension (NY/2023/0062/ENV) 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 no cumulative impacts in terms of two minerals extraction operations running concurrently and the additional minor movements from the concrete panel operation. 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.

- 10.73. 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. 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. It is unlikely within the consolidation area alone for the minerals operator to extract this amount of minerals however this condition is included within this application for completeness. 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.
- 10.74. Taking into account the cumulative impact of this consolidation application and the extension application it is considered in this instance after liaising with the applicant, the local highways authority and taking into account the information provided within the application that a maximum HGV limit of 380 movements (190 each way) per day Monday to Friday, 190 movements (95 each way) on a Saturday and no movements on a Sunday out of the Whitewall Quarry site entrance would be acceptable in the circumstances. Conditions on the application which create this as a maximum figure gives sufficient flexibility to the applicant to go above the average movements stated but also would not have a significant impact on the residential amenity of Welham Road. The technical note submitted in September 2024 shows that the quarry operation the majority of the time does not reach levels significantly above the average of 190 movements (95 each way), however due to the nature of the supply of minerals, recycling and concrete batching operations there are times when demand is higher. To give further control of the site and manage the highways network it is considered that the condition should also within the 380 movements include a limit for HGVs from minerals extraction. In this instance it is considered reasonable to place a

limit to match the NY/2023/0062/ENV application which has a condition for 240 (120 each way) Monday to Friday and 190 (95 each way) on a Saturday and no HGV's on a Sunday as it is noted that the applicant states that the average number of HGV movements for the quarry as a whole would be 190 (95 each way). With this in mind and no objections to the proposal from the Local Highways Authority it is considered this figure is an acceptable level of movements specifically for aggregate movements which will also be included within the vehicle movement condition. As the highways network has capacity for, which has been shown in the July 2024 supplementary highways statement and reiterated in the technical note.

- 10.75. In relation to the allocation for the waste recycling area the principle of the use of the quarry for recycling purposes is well established through approved permission NY/2018/0167/FUL as it is considered to be a suitable location and is allocated for such in the MWJP. Welham Road/Whitewall Corner Hill running north alongside the western boundary of the quarry is used by a SusTrans National Cycle Route, which forms part of the circular Yorkshire Wolds Cycle Route designated in 2011, however, this is only a short section and it has not been raised as a safety issue by the Highway Authority. The applicant has advised that the proposal is principally to continue to accommodate segregated recycled materials in stockpiles and would not lead to an increase in vehicle movements above previously approved. Previously permission NY/2018/0167/FUL did not considered necessary to restrict vehicle numbers, however when taking the site as a whole it with all operations in consideration it is now considered to be required. In this instance the applicants information shows that the average daily movements in relation to the recycling operation are below the number requested in the local plan so there is no departure from the allocation in the MWJP MJP13 in relation to the proposed recycling operation in terms of highways. The proposal is therefore considered to meet the key mitigation measure set out in Site Allocation MJP13 and is acceptable for the purposes of Policy D03 of the MWJP and Policy SP6 of the Ryedale Plan – Local Plan Strategy and accords with the policies of the NPPF and supporting guidance in regard to the allocated recycling operation.
- 10.76. It is considered that the access is acceptable and there is adequate room for entrance, exit and manoeuvring of the HGVs using the site. There are existing wheel washing facilities which will continue to be used before vehicles leave the site. 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 22 in relation to mud on the road, Condition 23 in relation to HGV sheeting in the interests of road safety and the amenity of the area and condition 24 in regard highways access only being from the existing whitewall quarry site access. It is considered these conditions and existing practices being carried forward to the consolidation application and would be 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. It is considered the 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 17-24 would not have an unacceptable impact on highways safety. The proposal is also consistent with paragraph 118 of the NPPF as an acceptable travel plan and transport statement have been submitted with the

application.

- 10.77. It is considered that the highways network has capacity for the level of movements stated in the above paragraph and when weighing the scheme in the planning balance the requirement for the extraction of minerals to take place where they are found and the benefits of this taking place at an existing site outweigh any of the harm that could be caused through these vehicle movements. 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 and the Local Highways Authority consider that the highway has ongoing capacity for the proposed number of HGVs.

Landscape and Visual Impact

- 10.78. 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, it is noted though that this is in relation to the proposed extension area subject to a separate application however does consider the impact of the quarry due to the haul road being part of the extension area application. The Environmental Statement also includes Section VI in relation to Soils, Contamination, ground stability, landscape and visual impacts. The site is 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.
- 10.79. The LVIA which includes information on the extension area as well as the existing quarry site relevant to this application states 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 operations 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.
- 10.80. 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 Area's. 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 Wolds 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.

- 10.81. 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 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.
- 10.82. 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 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.

- 10.83. There is an objection in relation to the impact of the quarry in terms of the farming landscape and local scenery and in regard to the cumulative impact. It is considered that there would be no further loss of farming land than previously approved through the consolidation application. Furthermore the officer view is 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 and 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, it is considered that this application would secure an improved restoration scheme for the site and conditions would limit the impact of the works in the base of the quarry, including with additional screening for the site through the gapping up of hedgerows. 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 site and therefore condition 39 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.
- 10.84. Policies M09 and M15 of the MWJP acknowledge that mineral can only be extracted from areas where it is located. The site is a 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 and use of ancillary operations in the existing site. Whilst there would be some impact on the landscape as stated in paragraphs 10.79 and 10.80 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 38 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 and advance planting.
- 10.85. The proposal with its progressive restoration would enhance the area in the long term, although the quarry amends the landform of the area (with some extraction still outstanding in the existing site) it would not appear incongruous and its topography would fit within the landform of the area, with a significant proportion of the quarry site already worked. 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 continuation of working in the quarry is an acceptable level and 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 consultee 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 35 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.

- 10.86. 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 38 (advance planting) condition 39 (restoration scheme) and 40 (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.
- 10.87. 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 it is considered that the proposal also includes the gapping up of existing hedgerows on Welham road to better screen the site and secure improvements also. The woodland planting south of the scheme, which is not part of this development but is the physical extension development, would screen the site and enhance the area however is not crucial to the acceptability of the consolidation application as the quarry void is already a feature in the landscape with restoration requirements. It is considered that the benefits of the proposal to fully extract a viable minerals resource from an existing site and utilise the site for ancillary operations outweigh any minor impacts 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 harm the character of the area or have a negative impact on the open space.
- 10.88. 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).

- 10.89. Paragraph 187 of the NPPF highlights that planning applications should contribute to and enhance the natural and local environment; in this instance the restoration scheme is designed to improve the landscape and habitats on the site in the long term. It is also therefore consistent with paragraph 224 of the NPPF states that planning authorities should provide for restoration and aftercare.
- 10.90. 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 site 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 alongside the quarry heading south, the proposed development would extend the life of the quarry, 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. Therefore it is considered that the proposed development is not in conflict with the Malton and Norton Neighbour Plan policy HRI3.
- 10.91. In regard to the recycling area MWJP Policy W05 identifies Whitewall Quarry as a site to which support for the management of construction, demolition and excavation waste will be supported (Site Allocation MJP13). Proposals for development of the allocated sites for recycling are required to take account of the key sensitivities and incorporate necessary mitigation measures. The key sensitivities for allocated sites include 'Landscape impact if retained in long-term', and key identified mitigation measures include the need for an 'appropriate restoration scheme using opportunities for habitat creation and which relates to the whole of the quarry area'. MWJP Policy D06 requires the protection of all landscapes from the harmful effects of development and lends support to proposals where, *'it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures.*
- 10.92. The quarry floor and recycling operations are approximately 15m below the level of the adjoining road, which is the same for the concrete batching plant operation. They are screened from the road and surrounding areas by landscaped mounds within the quarry boundary, and hedgerows and planting belts adjacent to Welham Road / Whitewall Corner Hill resulting in only fleeting views into the site from the adjoining road through a section of maturing hedgerow. Continued restrictions on the height of stockpiled materials would ensure they would not extend above the height of the restored and operational quarry faces or be readily seen from surrounding areas. The

proposed continuation of the use of the recycling area would be acceptable in design and location and would not have an unacceptable visual impact or impact on the Wolds Area of High Landscape Value (and is already operating) and in the longer term, the quarrying and recycling operations would cease and the overall site is required to be restored within the 11 year period to be approved through this application. It is therefore considered the proposal would be acceptable for the purposes of MWJP Policy W05, meets the criteria set out in site allocation Site Allocation MJP13, meets the requirements of MWJP Policies D06 and D10 and would be acceptable for the purposes of Policy SP13 of the Ryedale Plan Local Plan Strategy and accords with the policies of the NPPF and supporting guidance.

- 10.93. The majority of the remaining minerals working at the site being at the base of the quarry with no extraction works at ground level or further soil stripping under this proposed application It is therefore concluded any change to the landscape would be localised, not be significant, and, in the longer term, through the restoration of the site which would be controlled by proposed conditions 28 (LEMP), 38 (Advance Planting), 39 (phasing), 40 (Restoration Scheme) and 41 (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. The physical extension application has significantly more information in regard to the impact of this new area of extraction and there is an interlink to this permission for the extension of time with conditions being able to be updated to make sure that the landscape is protected in relation to both proposals should permission be forthcoming.
- 10.94. Given the scale of the proposal and its distance from the Norton, it is considered their historic character and locations in the landscape would not be adversely affected. It is considered, therefore, that whilst the proposal is located adjacent to the proposed Yorkshire Wolds National Landscape, the landscape would not be so adversely affected and would continue to be protected by the proposed landscaping measures therefore considered to be in compliance with Policy DO6 of the MWJP and Ryedale Local Plan Policies SP6 and SP13 and consistent with the NPPF.

Soils and Agriculture

- 10.95. The Environmental Statement includes Section VI in relation to Soils, Contamination, ground stability, landscape and visual impacts. The application site would include no further areas of land requiring to be stripped as the quarry site is fully operational with no un-stripped areas of agricultural land. Therefore there would be no loss of soils or agriculture through this application. Soils previously stripped are stored in bunds within the site and on completion of extraction, the stored soils would be used in the restoration of the 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.

- 10.96. 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.
- 10.97. The consolidation application would ensure a continued supply of building materials and associated products from the quarry, which would utilise existing infrastructure and retain employment. It is considered the wider economic benefits of the proposed development along with the opportunity to create a more diverse agricultural and ecological environment should be given weight and consideration. Through the consolidation application there would continue to be a requirement for soil to be stored on site appropriately and used in the restoration of the quarry (Condition 31 in the schedule), this condition also 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 which includes condition 30 in relation to soil movements time periods, condition 31 soil stripping and the retention of soils, condition 31 as stated above in this paragraph, condition 29 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 41 in regard to the aftercare scheme.
- 10.98. It is therefore considered subject to proposed conditions 29, 30, 31 and 41, that the proposal would not be in conflict with 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 187 (e) and 224.

Ecology and Biodiversity

- 10.99. The proposed development is not within any ecological designated sites. In terms of ecology and geodiversity key sensitivity in relation to this site are the River Derwent Special Area of Character (SAC), Welham Hill verges Site Importance for Nature Conservation (SINC) and protected species and habitat. 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.

- 10.100. In regard to the specific impact on species the application confirms two badger sets are located over 250 metres from the proposed works 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 details state 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 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 38 (advance planting). 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.
- 10.101. 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.
- 10.102. 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 would include any preparation for the restoration of the site and clearance of soil storage bunds currently in place on the site which now have vegetation upon them. 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).
- 10.103. 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 wider site 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 41 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.

- 10.104. 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 site and the SAC being approximately 1000m 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 application site 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.
- 10.105. The second SINC in proximity to the site is Welham Hill Verges which are to the south 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. 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.
- 10.106. 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. The proposed restoration and hedgerows improvements 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

- 10.107. 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. A restoration scheme and a restoration strategy have been submitted in relation to the consolidation application which takes into account the proposed extension area and is considered to be an appropriate scheme for the wider whitewall quarry site.
- 10.108. The proposal is to progressively restore the residual void, building on the existing restoration scheme for the site to a combination of agriculture and nature conservation, removing the concrete batching plant and recycling area. Table E6 within the description of development section of this report in paragraph 5.7 states that the operational area of the existing quarry area is currently 18.90 hectares and 2 hectares of the quarry have already been restored, this table also outlines that after the completion of restoration 14.10 hectares would be for agriculture and 6.8 hectares would be for nature conservation. A significant amount of the nature conservation elements of the proposed development are in regard to the quarry faces.
- 10.109. At present quarry void is largely the shape, size and depth of the restoration scheme, however there is still extraction to be completed on the western boundary of the site and the current platform in the southern section of the site. The soil mounds currently in place mainly on the western boundary of the site would be removed and used in the restoration and peripheral hedge planting would be retained where possible when this is being removed. To achieve the proposed restoration levels the proposed extension area would necessitate the importation of approximately 60,000 tonnes of soils which would be imported during the lifetime of the development and spread soils to a depth of 0.5m on the base of the quarry. If restoration materials are not able to be imported through the recycling operation the materials would be imported specifically for restoration. The restoration would be similar to that approved under previous permission for mineral extraction in the existing site and is considered to be progressive, although the applicant states that this is not able to be done at an even rate. The authority will monitor its progress through the extraction phases and liaise with the operator on the progress of this restoration. The proposed 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, including the standard 5 years aftercare condition. This is deemed necessary to ensure the success of the restoration for the purposes for which is designed – calcareous grassland and woodland planting. Proposed conditions 40 and 41 also request detailed restoration and aftercare schemes.
- 10.110. Natural England, Ecology and the 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 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. The applicant is willing to enter into a new Section 106 Agreement to provide for an extended 30-year aftercare scheme and a requirement under condition for a Landscape ecological management plan and a detailed restoration scheme.

- 10.111. The proposed restoration and aftercare would accord with Policy D07 in that it would contribute to biodiversity in the area; Policy D10 in that it 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 40 and 41 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

- 10.112. The Applicant submitted two documents related to the archaeology of the site, 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 given the current active status of the quarry workings and the position of the final extraction area in the quarry being at least 500m 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 are not possible due to intervening built development.
- 10.113. 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 site, the applicant states these assets are within a rural agricultural setting and the topography and surrounding landscape does not allow for views into the quarry.
- 10.114. 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.

- 10.115. 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 required 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.
- 10.116. The NYC Archaeology Team initially responded stating that there are potential areas of archaeology interest within quarry area, advising a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with the development proposal. However following clarification the consultee stated they did not require a further WSI or reports as the information has previously been provided and there would be no further soil stripping in the consolidation area.
- 10.117. 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. Paragraph 214 of the NPPF states that where a proposed development would lead to substantial harm to or total loss of significance of the designated heritage asset, consent should be refused unless it can be demonstrated that substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm. Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against public benefit.

10.118. It is considered there would be no changes to operations in the quarry with no change to the current impact and operations in the 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.

10.119. 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 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.

10.120. 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

10.121. 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 includes 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. 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. The application includes support in relation to the existing site adhering to environmental standards in regard to water management and minimising the impact on residents.

10.122. 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. NPPF paragraph 181 deals with flood risk.

- 10.123. 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.
- 10.124. The base of extraction will be at or around 43 metres AOD, this level has been specifically chosen so that the plant site infrastructure will remain above groundwater level through all phases of the development and is the current base of the existing site. There will be no disturbance or removal of surface water features, the quarry drains away naturally through the base of the quarry without discharges to watercourses which would be continued through this application. Rainwater would through the restoration continue to drain away through the base of the quarry and will be managed through an aftercare scheme to be submitted (proposed condition 41). The applicant states that the quarry does not affect the aquifer and the thin soils mean that water is currently very free draining, extraction will not have a significant impact on infiltration rates, within the median term after restoration these rates going back to the existing levels. Protection against contamination will be secured through condition 27 in regard to contaminated drainage and 28 in regard to fuel storage.
- 10.125. 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 additional conditions in regard to flooding are deemed reasonable in this instance. 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.
- 10.126. 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. 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

- 10.127. 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 consolidation application 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 quarry and proposed extension application (NY/2023/0062/ENV). 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 cannot 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.
- 10.128. The proposed mitigation measures would protect habitats and the proposed restoration scheme would create new habitats 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.
- 10.129. Policy D11 of the MWJP requires developers to explain how climate change has been taken into account whilst acknowledging quarrying and importation of inert waste represent contributors to climate change, it provides primary won aggregate. The application includes the continued use of land within the base of the quarry of recycling operations of construction, demolition and excavation waste to recover aggregates, soils and soil-making materials. The process moves waste up the waste hierarchy, reduces the reliance on primary won aggregates and provides a source of materials that contribute to the restoration of the quarry. Whilst acknowledging quarrying, recycling and the concrete batching plant represent contributors to climate change, the activities provide primary won aggregate, recycled materials and a secondary aggregate to a local market in a principally rural area and the recycling operations receive inert waste and demolition materials from the local area reducing the distances vehicles have to travel. The site is also allocated in the MWJP for recycling and there are existing recycling operations in the quarry. In the absence of such a facility, waste materials would have to be transported greater distances using more fuel and generating increased emissions to atmosphere. Having regard to the above, it is considered the proposed development is unlikely to have any significant and consequently unacceptable adverse impact upon climate change and is acceptable for the purposes of Policy D11 of the MWJP.

Obligations under the Equality Act 2010

- 10.130. 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.

10.131. 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,

10.132. 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

10.133. 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 and 58 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.

10.134. 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.

10.135. 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.

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

Category/ Type	Contribution	Amount & Trigger
Ecology	Biodiversity Management Plan	<ul style="list-style-type: none"> 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

		<p>scheme shall be thirty years, and the scheme as a minimum include for: -</p> <ul style="list-style-type: none"> ○ Information on how suitable substrates will be formed for the creation of calcareous grassland (see NYC ecology comments of 27 September 2023). ○ Information on seed sources for grassland creation, bearing in mind the need to use local sources wherever possible. ○ Information on how habitats will be established, maintained and monitored. <ul style="list-style-type: none"> ● Any protected species mitigation measures
Highways	Traffic Routing Agreement and Traffic Management Scheme	To be maintained throughout the lifetime of the development.

It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The consolidation application is acceptable in principle as extending the time for extraction of crushed rock from the existing Whitewall Quarry as well as the continuation of the existing ancillary operations contributes to the landbank for Jurassic limestone and stops the sterilisation of mineral at the site, moves waste up the waste hierarchy through the recycling operation and utilises an existing minerals site for ancillary operations (concrete batching plant). 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 site. 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. It is considered the applicant has 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 proposed extraction within the existing to the quarry and the continued use of the ancillary operations at 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 the ancillary operations in regard to condition 19 being secured to the permission to limit the site to 380 movements Monday to Friday, 190 movements on a Saturday and no movements on a Sunday, while also limiting the site to 300,000 tonnes being exported per annum (condition 20) to make sure that over a period of a year the average number of movements is not over 190 movements per Monday to Friday and 95 movements on a Saturday for the total of the operations at the site. Conditions 17 – 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 it is considered that in this instance the departure from the plan is acceptable due to the need for the mineral and to the mitigation provided through the conditions stated above along with the S106 agreement.
- 11.5. In conclusion, it is considered there are no material planning considerations to warrant the refusal of this application. The application, along with the supporting information, has been assessed and it is considered on balance that there is a need for the mineral and there would be no unacceptable adverse environmental impacts resulting from the proposed development. Furthermore, it is considered that the proposed development, whilst leading to a change to the landscape, would not result in any unacceptable impacts on local amenity, the character of the surrounding area and landscape, the local highway network, ecology or the water environment or lead to an unacceptable impact on air quality or climate change. The proposed landscaping, restoration and aftercare of the site would make a positive contribution to biodiversity of the area.
- 11.6. 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 10.133-136 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, construction and demolition waste recycling and concrete batching plant for Eleven (11) years from the date of commencement of development, 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 date of commencement of development shall be provided in writing to the Local Planning Authority within seven (7) days of each of the following:
- 1) The extraction of surface mineral.
 - 2) Construction and demolition waste recycling.
 - 3) The operation of the concrete batching plant.

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

Cessation

4. In the event of mineral extraction ceasing within the land as shown in blue on “Application Plan (Red & Blue Line) Plan, Ref. CW WW 2108 15, dated 27 October 2023 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, this scheme is required to include the cessation of all ancillary uses at the quarry. 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 13 September 2024 and the approved documents listed below and the following conditions which at all times shall take precedence.

Ref	Title	Date
Ref. CW-WW-2108-14	Location Plan	1.11.23
Ref. CW-WW-2108-15	Application Plan (Red &Blue Line)	27.10.23
Ref. CW-WW-2108-16/1	Indicative Phasing Plans – Phase One	16.10.23
Ref. CW-WW-2108-16/2	Indicative Phasing Plans – Phase Two	16.10.23
Ref. CW-WW-2108-16/3	Indicative Phasing Plans – Phase Three	16.10.23
Ref. CW-WW-2108-16/4	Indicative Phasing Plans – Phase Four	16.10.23
Ref. CW-WW-2108-17	Whitewall Revised Restoration Plan	13.10.23

Ref. CW-WW-2108-18	Whitewall Indicative Face Sections	13.10.23
No Ref.	Supporting Statement (Volume 1)	October 2023
No Ref.	Environmental Statement (Volume 2)	November 2023
Ref, v1.2	Construction Environmental Management Plan	September 2024
Ref. v2	Note on Working Method & Stockpiling Areas	September 2024
Ref. V2	Whitewall Quarry Traffic Technical Note	September 2024
No Ref.	Biodiversity Management Plan	July 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 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.

There shall be no recycling or concrete plant operations carried out at the site except between the following times:

07:00 to 17:00 Monday to Friday

07:00 to 12:00 Saturday

No working except for essential maintenance Sunday and Bank/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 the movement of soil currently located in 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 (minimum every three months for the first year, which is then 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 in the first year and is then 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 during phases 1 & 2 shown on plan Indicative Phasing Plans (Ref. CW-WW-2108-16/1 and Ref. CW-WW-2108-16/2).
 - Welham House during phases 3 & 4 shown on plan Indicative Phasing Plans (Ref. CW-WW-2108-16/3 and Ref. CW-WW-2108-16/4).
 - Whitewall House/Stables during phases 3 & 4 shown on plan Indicative Phasing Plans (Ref. CW-WW-2108-16/3 and Ref. CW-WW-2108-16/4).
 - Furze Hill/Stables Cottage during phases 3 & 4 shown on plan Indicative Phasing Plans (Ref. CW-WW-2108-16/3 and Ref. CW-WW-2108-16/4).

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

Blast Monitoring

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 and if the results of monitoring show that the limit as stated in condition 15 to 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 every 6 months.

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 interest of public safety and amenity*

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/2023/0062/ENV) shown on plan Ref. CW WW 2108 15 Rev A, dated 27 October 2023, shall not exceed 240 per day (120 into the site and 120 out of the site) Monday to Friday and no more than 120 on a Saturday (60 into the site and 60 out of the site).

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

19. The maximum number of Heavy Goods Vehicle (as defined by this permission) movements associated with the recycling operation and concrete batching plant shall not exceed at any time 140 per day (70 into the site and 70 out of the site) Monday to Friday and shall not exceed at any time 70 per day (35 into the site and 35 out of the site) on a Saturday.

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

Minerals Throughput

20. 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/2023/0062/ENV) shown on plan Ref. CW WW 2108 15 Rev A, dated 27 October 2023 in regard to heavy goods vehicles shall not exceed at any time 300,000 tonnes per annum.

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

HGV Records

21. 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 and 19 shall be maintained and retained at the quarry for a period of six months. The record shall contain the vehicles weight, registration number and the time and date of movement. The record shall be retained at 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

22. Throughout the operation of the development, the existing wheel wash facilities must remain in working order on site and all heavy goods vehicle (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

23. 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

24. 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 occurring during construction.

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

Excavation Adjacent to Highway

25. 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

26. 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

27. 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

28. Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent capacity of the largest tank(s)/container(s), or the combined capacity of interconnected tanks/containers, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system shall be sealed with no discharge to watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Reason: to prevent pollution of the water environment.

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

Landscape Environmental Management Plan (LEMP)

29. 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

30. 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

31. 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.

32. 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

33. Any clearance of dense vegetation such as trees, shrubs, hedgerows or brambles should be undertaken outside the bird breeding season (March to August inclusive); if this is not

possible, a suitably experienced person must first confirm that no nesting birds are present and any nests which are discovered must be left undisturbed until the young have fledged.

Reason: to ensure compliance with wildlife protection legislation.

Written Scheme of Investigation

34. 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' 05.19.22 prepared by MAP Archaeological Practice.

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

Lighting

35. 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.

Recycling Materials

36. No other minerals, refuse or waste material other than inert construction and demolition waste materials for recycling operations or soils for restoration purposes specified in the Supporting Statement submitted with the application shall be stored or imported onto the site without prior written approval of the Local Planning Authority.

Reason: To reserve the rights of control by the County Planning Authority and protect the amenities of the area.

Recycling Stockpiles

37. No recycling stockpiles shall exceed a height of 8m as measured from the base of the operational recycling area and shall in any event not exceed the adjoining land levels to Whitewall Quarry within which the recycling operations are located.

Reason: In the interests of the landscape amenities of the area.

Advance Planting

38. Prior to the commencement of development as notified to the Local Planning Authority for the purposes of condition 3, advance 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

39. 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, detailed phasing plans shall be submitted to the Local Planning Authority for approval in writing. Within each phase of working the specific operations shall be clearly marked out on site in accordance with the approved phasing plan. Notification of the completion of each phase of development is required in writing after which each of the four individual phases of working shall be restored in a phased manner in accordance with the provisions of the restoration scheme submitted as a requirement of condition 40. Thereafter, the aftercare scheme submitted as a requirement of condition 41 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

40. 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 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.
 - 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

41. Within 6 months of the date of development as notified to the Local Planning Authority for the purposes of condition 3 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 42 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

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

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

Annual Meeting

43. 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 2024

Case Officer: Sam Till

Appendix A – Location Plan

Appendix B – Existing Permissions Plan

Appendix C – Indicative Phasing Plans 1-4

Appendix D – Restoration Plan