

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held remotely via Microsoft Teams on 18 May 2021 at 10.00 am.

Present:-

County Councillors Peter Sowray (Chairman), David Blades, Caroline Goodrick, David Hugill, Mike Jordan, John McCartney, Zoe Metcalfe, Chris Pearson and Clive Pearson

Apologies were submitted by County Councillors Eric Broadbent and Robert Heseltine.

Ten Members of the public were in attendance.

The meeting was available to watch live via the County Council's website and a recording of the meeting is now available on the website via the following link www.northyorks.gov.uk/livemeetings

Copies of all documents considered are in the Minute Book

214 Welcome and Introductions

The Chairman welcomed everyone to the meeting and those present introduced themselves.

The Chairman explained that the meeting would be held using video conferencing with a live broadcast to the Council's YouTube site. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had lapsed on 7 May 2021 and any formal decisions that the Committee made that were legally binding would be made in consultation with the Chief Executive Officer using his emergency delegated powers, taking into account the recommendations of the Committee.

215. Minutes of the meeting held on 29 April 2021

Resolved -

That the Minutes of the meeting held on 29 April 2021, having been printed and circulated, be taken as read and confirmed, to be signed by the Chairman as a correct record at the next available opportunity.

216. Declarations of Interest

There were no declarations of interest.

217. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that, other than those that had indicated that they wished to speak in relation to the application below, there were no questions or statements from members of the public.

218. NY/2019/0002/ENV (C8/2019/0253/CPO) - planning application for a 9.7 hectare quarry extension (Area 8) extending east from the current working (Area 7), with associated screening bunds and landscaping for the extraction of 4.9 million tonnes of Magnesian limestone over a period of eight years; and the progressive low level restoration of the worked out area of the quarry to grassland and planting using quarry limestone fines and reclaimed inert waste materials from the waste recycling facility located within the existing quarry - Land at Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby

Considered -

The report of the Corporate Director, Business and Environmental Services requesting Members to determine a planning application for a 9.7 hectare quarry extension (Area 8) extending east from the current working (Area 7), with associated screening bunds and landscaping for the extraction of 4.9 million tonnes of Magnesian limestone over a period of eight years; and the progressive low level restoration of the worked out area of the quarry to grassland and planting using quarry limestone fines and reclaimed inert waste materials from the waste recycling facility located within the existing quarry - Land at Went Edge Quarry, Went Edge Road, Kirk Smeaton, Selby.

A combined total of 244 representations had been received from individuals objecting to the application as initially submitted, amended and by making further representations, principally because of the:

- adverse impact of the proposal on the landscape;
- impact on the Green Belt;
- visual impact on the surrounding area;
- damage to the historic character of Wentbridge and Kirk Smeaton;
- loss of agricultural land;
- impact of the Brockadale Nature Reserve and Site of Special Scientific Interest;
- impact on the amenities of the area from noise, dust and vibration;
- impact of HGVs using Wentedge Road;
- cumulative impact of quarries in the area;
- there being a sufficient landbank for aggregate and failure of the current quarry operator to abide by planning conditions to the current planning permissions to the site.

Objections had also been received from Natural England; Kirk Smeaton Parish Council; Yorkshire Wildlife Trust; Brockadale Nature Reserve Supporters Group, Plantlife, Darrington Parish Council and Wakefield Badger Group.

Prior to the presentation of public statements the Planning Officer informed the Chairman that there had been a request from Kirk Smeaton Parish Council for a further site visit following that which had previously been carried out on 4 February 2020. The Chairman asked that Members give consideration to that matter before full consideration of the report and statements was given. The Planning Officer stated that there had been no

material changes since the Committee's previous visit and that his presentation to the Committee would provide further context to the application and the surrounding area.

Resolved –

That the request for a further site visit be declined.

Paul Simmons representing himself and the Friends of Brockadale/ Brockadale Supporters group presented the following statements:-

"I am Dr Paul Simmons. My wife Joyce and I have been residents of Kirk Smeaton for 44 years and members of the Brockadale Nature Reserve Supporters Group for over 40 years. We are biologists and naturalists and wish to speak on behalf of the people who enjoy the Brockadale Nature Reserve for its natural beauty and its wildlife.

Brockadale became one of the Yorkshire Naturalists Trust's first reserves in 1966. We became involved in the late 1970s as members of the Brockadale Management Committee, which has become the Friends of Brockadale group. We regularly carry out practical conservation work, do species monitoring (especially plants, butterflies, moths and birds), lead walks for visitors, etc. We also hold wildlife records going back to the 1860s which show the continuity of the special wildlife communities living in Brockadale.

Brockadale nature reserve is a Site of Special Scientific Interest but it is a small island in a sea of agri-business.

Our fear is that quarrying will cause damage to plant growth, and changes to the hydrology of the area. The removal of the rock will remove a huge water supply to one of our ancient woodlands and so will damage tree and plant growth. A coating of fine limestone dust will reduce photosynthesis, and could make leaves unpalatable to herbivorous insects, many of which are scarce locally and nationally. Even after quarrying ceases any plant or animal species affected would not be able to naturally recolonise Brockadale from elsewhere as there is no near reservoir of our unusual species and certainly nowhere which replicates the unique nature of this reserve.

Brockadale and the Went Valley have been known as a special place for wildlife since Victorian times. In his 1842 book 'An Account of Askern and its Mineral Springs' Edwin Lankester commented that the valley "exhibits a variety of scenery which few spots in this part of Yorkshire can afford". He also noted that "the elegant Pasque flower *Anemone Pulsatilla* grows in profusion." Sadly though, this plant was destroyed by the first Went Edge quarry to be opened up and now only occurs in Yorkshire as a single plant at just one site. We fervently hope that we can prevent the loss of any other plants or animals due to quarrying."

"Because of its uniqueness, groups of Naturalists have visited the area from the mid 1800s onwards. Now Brockadale is used by academic researchers on a regular basis. Local universities such as York and Leeds bring groups of students to learn identification techniques, York and East Anglia universities have had teams studying the effects of climate change on butterflies and other organisms. Researchers from Uppsala University in Sweden used Brockadale as one of their study areas in an international study of the variation in *Betony*, one of our unusual plants.

The local community also makes regular use of the valley – the village school uses it for Environmental education and for 'Forest School' sessions. The church has an annual

Easter Monday walk here during which they reflect on the beauty of Creation.

In a single year tens of thousands of visitors come to experience the beauty and tranquillity of this special place. They come for the scenery and colourful displays of wild flowers and butterflies, as well as for exercise. The current activities of the quarry and industrial estate disturb the peace of the area. If quarrying activities are allowed to come close to the margin of the reserve, the noise and dust will disturb visitors and wildlife, especially affecting the long-established badger sett on the boundary between the adjacent ancient woodland and the area under consideration.

Individuals and groups of naturalists (eg the Yorkshire Naturalists' Union, Bradford Botany Group, Hull and East Riding Naturalists) also visit the reserve because of its special species – there are 12 plants which are considered locally endangered. In the 2 ancient meadows closest to the proposed extension there are more than 110 species of flowering plants, and no less than 24 of these have been identified by Sir Alastair Fitter FRS as being in sharp decline in Yorkshire. These vulnerable plants are in need of particular protection, not of being put at further risk. Brockdale has several rare insects, a snail which is found in only 2 other sites in the UK, and a spider for which this is the only known site in the north-east of England. These rare and special species risk being adversely affected by the damage to trees and plants, as well as by noise and dust caused by quarrying. We fervently hope that this small and unique oasis will not become a victim of unnecessary mineral exploitation.

Our group strongly opposes the quarry extension application.

Cllr Tony Lenc representing himself and Norman Gundill Llb presented the following statements:-

"I think it is very important that the PRFC recognise there is no demonstrable demand for this stone.

The Officer's Report says from information contained in the new emerging plan that 18 million tonnes of magnesian limestone is required over the plan period 1 January 2016 to 31 December 2030 at 1.2 million tonnes per annum. The O.R then says an additional requirement of 12 million tonnes will be required to ensure a 10-year Landbank at 31 December 2030 resulting in a total requirement of 30 million tonnes. The O.R says permitted reserves of 11.1 million tonnes exist at 1 January 2016 leaving a shortfall of 18.9 million tonnes up to 31 December 2030.

Under policy MO9 of the emerging plan sites allocated during the plan period include:

- Land at Jackdaw Quarry - 3 million tonnes
- Land at Barnsdale Quarry - 2 million tonnes
- Land at Wentedge Quarry - 2 million tonnes
- Land at Gebdykes Quarry - 3.8 million tonnes
- Land at Potgate Quarry - 3.7 million tonnes.

The O.R says the stone from Wentedge Quarry (which turned out to be 4.4 million and not 2 million tonnes) has been worked out. It says the land at Barnsdale Bar was included in a further allocation for the extraction of 7 million tonnes up to 2040. It therefore concludes that the volume of reserves 14.5 million tonnes has been reduced by 4.4 million tonnes from Wentedge Quarry and given that reserves are being worked at Barnsdale Bar and because the planning permission at Jackdaw Quarry will be worked out in the next 7 years there is a need to release further reserves to maintain the 10 year

Landbank.

This argument is illogical. The requirement is for 18 million tonnes of magnesian limestone over the plan period up to 31 December 2030, so it does not matter when the stone is extracted. It only matters if there has been a significant increase in sales resulting in additional stone being required over the plan period. It is assumed that the requirement for magnesian limestone over the plan period may actually reduce due to the Country having been shut down during the pandemic. The demand for magnesian limestone during the plan period as already been revised from 22.5 million tonnes to 18 million tonnes.

The additional reserves allocated at Barnsdale Bar and Wentedge Quarry will result in 23.9 million tonnes of magnesian limestone over the plan period to meet the projected 18.9 million tonnes that is required. So, as well as meeting the projected demand it will contribute an additional 5 million tonnes to the 12 million-ton Landbank.

Contrary to what the O.R says there is absolutely no need to release further reserves. But in any event what the O.R does not say is that there is planning application for a lateral extension of Potgate Quarry to work an additional 4.25 million tonnes over 18 years from 2022 to 2040. This Quarry unlike the Wentedge Quarry is identified as an area of search in the Local Plan.

The emerging plan reports that the supply of crushed rock is also supported through the identification of allocated sites at Settrington Quarry and Darrington Quarry. Under NEED the O.R says it does not accept the objections by Kirk Smeaton and individuals that there is no need for this stone but gives no credible reasons why. Clearly from what I have reported the arrangements contained in the emerging plan meet the requirements for magnesian limestone right up to 2030 and beyond.

The O.R says that the Local Aggregate Assessment Third Review 2017 reports 'The sub-region has high overall reserves of crushed rock but there is potential for shortfall in supply of magnesian limestone in particular in the mid-term in the absence of further reserves' But what the O.R does not say is that the 2017 LAA is very much out of date and does not comply with paragraph 207a) of the National Planning Policy Framework which says mineral planning authorities should plan for a steady and adequate supply of aggregates by "Preparing an annual LAA either individually or jointly to forecast future demand based on a rolling average of 10 years sales and other relevant information"

Similarly, the O.R does not report that national Planning Practice Guidance says LAA's should include a forecast of demand for aggregates based on the average of 10 years sales data. They should also look at the last 3 years in particular to identify the general trend"

Planning Services have not prepared an annual LAA since 2017 and as such the information contained in this assessment is based on sales data up to 2016. The data is out of date and cannot be used to forecast demand for aggregates based on the rolling average of 10 years sales and neither can the data be used to provide an assessment of the balance between supply and demand. As mentioned earlier it seems very likely that overall sales will have dropped from 2016 to 2020 due to the pandemic.

I hope the PRFC will recognise there is no need for additional stone and as such there can be no possible justification to approve a planning application that will destroy a Locally Important Landscape Area and jeopardise a local and nationally important nature reserve/SSSI."

Cllr James Stephenson representing himself and Elaine Bartlett, Margaret Donlon and Kate Bowden presented the following statements:-

“My name is James Stephenson and I am speaking on behalf of myself, Elaine Bartlett, Margaret Donlon, Kate Bowden and myself who are all registered to speak at the hearing. The presentation is broken down into sections of 3 minutes but will be presented as one.

We believe that this proposal amounts to inappropriate development and there are no Very Special Circumstances that clearly outweigh the harm caused to the Green Belt. The National Planning Policy Framework says that inappropriate development is harmful to the Green Belt and should only be approved in Very Special Circumstances. It also says that certain types of development – mineral extraction included – need not be inappropriate if it preserves the openness of the Green Belt and does not conflict with the purpose of including land within it. These purposes include:

- To safeguard the countryside from encroachment
- To preserve the setting and special character of historic towns.

So, we believe the proposal will need to show that it:

- Preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; or
- There are Very Special Circumstances that clearly outweigh the harm to the Green Belt.

So, what is openness?

North Yorkshire County Council have held in the past that a development preserves the openness of the Green Belt because the site abuts an existing quarry and the development will not introduce any further development into this area. The Council have also argued that the development is a temporary use of land and will be restored on completion of extraction operations.

This argument can hardly apply to this site given that there is now a large industrial estate operating in the quarry void. Part of the site no longer abuts an operational quarry - it abuts a nature reserve/SSSI; a country road and now an industrial estate that is involved in waste recycling and several other industrial activities. The Courts have held the concept of openness to mean the 'state of being free from built development, the absence of buildings'. But if this open agricultural field is developed it will no longer be free from built development and buildings because it will integrate with and become part of a large industrial estate.

It can hardly be argued that the development is a temporary use of land and that openness will be restored on completion of extraction operations given that the field will now coalesce with a disused quarry void that contains an industrial estate and waste recycling plant.

The Supreme Court ruled 'there is no mandatory requirement to consider visual impacts as part of openness in every case. The relevance or otherwise of visual dimension on openness will, quite properly, turn on the facts of each case.' We believe that in respect of this proposal visual impact is clearly a material planning consideration because the site:

- Runs immediately alongside a main road that links 2 conservation villages.
- Is in a Locally Important Landscape Area; and
- Shares 2 of its boundaries with a local and nationally important nature reserve and a triple SSSI.

Openness is a matter of planning judgement and not the law, but we believe that one of the key tests of openness in a Locally Important Landscape Area must surely be without obstruction to view. This will take place if:

- There is a quality view to be had
- The view is obstructed; and
- There are people who would enjoy the view had it not been obstructed.

The site is a green field in an open countryside setting. It runs for 650 metres along the main road and provides scenic views into a nature reserve and long-distance views over surrounding countryside. There are public rights of way running next to or in very close proximity to 3 of its 4 boundaries. The views are enjoyed by hundreds of motorists and cyclists each day.

Any further screening along Wentedge Road will bring significant closure to the Green Belt in a locally important landscape area and will permanently remove scenic and long-distance views over the surrounding countryside. It will accentuate the adverse impact that previous screening has had on openness along Wentedge Road. It will result in almost 1500 metres of continuous screening along a main road that links 2 conservation villages. The road runs for about 2,500 metres so the proposal will bring closure to more than half of the openness of the Green Belt that runs alongside the road. The overwhelming consensus is that Wentedge Road in terms of the Green Belt and openness simply cannot absorb any further screening.

The applicants Landscape Visual Impact Appraisal says, "visibility of the restored site will generally be very low". This clearly indicates that the proposal will have a significant impact on openness. There will effectively be no views from Wentedge Road across the quarry because the bunds will remove the view, and on restoration the hedgerow that has been designed and planted specifically to hide the quarry will do the same.

Obstruction to view will take place because:

- There are significant views to be had
- The views will be permanently lost; and
- There are a considerable number of people who enjoy these views.

Why we believe the proposal conflicts with the purpose of including land in the Green Belt.

Clearly it does conflict with the purpose of safeguarding the countryside from encroachment.

It would be wrong to argue that it cannot be considered as encroachment because the development is temporary, and it will at some time come to an end and the land will be brought back into the countryside. This argument is not credible because once the development has come to an end it will not be brought back into the countryside - it will integrate with and become part of a large industrial estate.

The security fencing and newly planted screen hedgerows will remain and from a visual

and conceptual point of view the land will after restoration become part of the Went Valley Industrial estate. The restoration will not reinstate the openness of the Green Belt and it will not change the land characteristic for it to be considered anything other than a disused quarry containing a large industrial estate and waste recycling business.

Most people will agree that Countryside is defined as:

- Land that is not in industrial areas and is used for farming or left in its natural state.
- Land that is in an open countryside setting
- Land that is open and accessible to the public to enter or view
- Land that is in a reasonably peaceful and tranquil setting.

If the application is approved this land will no longer be part of the countryside as it will identify with and become part of the Went Valley Industrial estate. This former open agricultural field will integrate with the existing quarry void and will become a further extension of the industrial estate – one that is involved in several industrial activities. The applicant says:

'The industrial estate will be retained in perpetuity and it will be set down in the quarry with a landscaped low-level restoration scheme. The restoration of the quarry will enable the land to be returned to a productive after-use such as an industrial estate and waste treatment site'.

So, the applicant says that on restoration the quarry will become part of an industrial and waste treatment site.

The site will not be readily accessible for the public to enter or view as access will be through the industrial estate and will be restricted to accompanied and pre-arranged visits.

The constant HGV's that enter and leave the quarry, and noise from industrial operations within the quarry will not give rise to a peaceful and countryside setting. So, after restoration the land will not be restored back into the countryside. It will form part of a busy industrial estate.

Does the proposal preserve the setting and special character of historic towns?
There is an argument to apply this Green Belt purpose to historic villages as well as towns.

The Smeaton villages and Wentbridge are recorded in the Domesday Book as agricultural villages. The villages are in a conservation area.

The proposal to remove even more agricultural land and transform it into an even bigger disused quarry containing a large industrial estate will not preserve the special character and setting of the historic agricultural villages – particularly on top of the earlier decision to remove agricultural land under the Barnsdale Bar planning consent.

The proposal clearly does result in encroachment and it does not preserve the special character and setting of the neighbouring villages.

Why we believe very special circumstances do not apply to this application?
The only issue which could conceivably constitute Very Special Circumstance is need. There can be no Very Special Circumstance in respect of this proposal because there is

no need. North Yorkshire County Council and the Yorkshire and Humberside Region already have a significant landbank and there is no risk of sterilisation given that the land is in the middle of the Green belt and shares 2 of its 4 boundaries with a nature reserve. The very questionable benefits claimed by Went Valley Aggregates would be required from any scheme and do not justify inappropriate development in breach of the National Planning Policy Framework and Local Plans.

The harm to the Green Belt and locally important landscape would be permanent and irreversible.

The proposal would have an adverse impact on the character and appearance of the area.

The proposal would have a negative impact on the amenity of the area. The proposal has the potential to cause immeasurable damage to the flora and fauna in the nature reserve – a triple SSSI.

The proposal will result in a bigger loss of best and most versatile agricultural land.

The proposal will contribute towards poor air quality in a designated Air Quality Management Area.

The Framework does say that great weight should be given to the economy when determining applications but in respect of this proposal:

- The contribution of minerals from this site will have little benefit to the economy given the significant Landbank and the arrangements that have been put in place to maintain a supply of crushed rock up to 2030 and beyond.
- The quarry has now been worked out for some months and it is reasonable to assume that most displaced employees will have found other work.
- Significant restoration work is required at the quarry and it is also involved in other industrial activities not directly associated with mineral extraction. It is not unreasonable to assume that displaced employees could be redeployed onto restoration work or transferred to other activities in the quarry.

In terms of compliance with the Framework the proposal is totally at odds with the policy about enhancing the natural and local environment and recognising the intrinsic character and beauty of the countryside.

In conclusion:

- The proposal amounts to inappropriate development as it does not preserve the openness of the Green Belt
- It conflicts with the purpose of including land within the Green Belt
- There are clearly no Very Special Circumstances that clearly outweigh the harm to the Green Belt.”

Mrs Elaine Lenc representing herself and Paul Clarke, Cllr Carl Vitty; Mr Bernard Storey presented the following statements:-

“My name is Elaine Lenc, my presentation is in sections of 3 minutes and will be read as one on behalf of Paul Clark, Carl Vitty, Bernard Storey and myself, we are all registered to speak at the hearing.

Firstly; does the proposal amount to sustainable development?

The National Planning Policy Framework states that plans and decisions should apply a presumption in favour of sustainable development but only in circumstances where:

- Habitat Sites, Triple SI and land designated as Green Belt do not provide a clear reason to refuse the development.
- An appropriate assessment has concluded that the development will not adversely affect the integrity of habitat sites; and
- Any benefits of the development would demonstrably outweigh any adverse impacts.

We believe the proposal does not achieve sustainable development because:

- Extracting stone in circumstances where there is no demonstrable demand can hardly meet the needs of the present, without compromising the ability of future generations to meet their own needs.
- It will not secure conservation of the stone which is a finite resource; and
- The proposal will not encourage the use of substitute or secondary and recycled materials before the extraction of primary materials.

Secondly; does the proposal conflict with the Local Plan:

We believe the proposal conflicts with Selby District Council's Local Plan 2005, which states –

1. Proposals for development which would harm a local nature reserve or a site of local importance for nature conservation will not generally be permitted.
2. Development will not generally be permitted where it is likely to cause loss of, or damage to ancient woodland; and
3. Within Locally Important Landscape areas priority will be given to the conservation and enhancement of the character and quality of the landscape.

We believe the proposal conflicts with Selby District Council's Core Strategy objectives which relate to:

- Safeguarding the open character of the Green Belt
- Protecting and enhancing the character of the historic environment
- Protecting the best and most versatile agricultural land and enhancing the wider countryside for its important landscape.

Policies state that:

- planning permission will not be granted for inappropriate development unless very special circumstances apply; and that
- The District Council will seek to protect and enhance the environment.

We believe the proposal conflicts with North Yorkshire County Council's Minerals Plan – Saved Policies which states that development outside of preferred areas and areas of search would have to be justified and would only apply in unforeseen circumstances. It also states that planning permission will only be granted for small scale extensions.

There can be no justification to approve this application as this quarry is not in a preferred area, nor is it an area of search –the proposal to increase the operational size

of the quarry by almost 50 % cannot be deemed to be a small scale extension. We believe the proposal conflicts with North Yorkshire County Council's Emerging Minerals and joint Waste Plan. The policies that seem highly relevant to the proposal are:

- MO5, 6 and 9

After considering these policies - there is clearly no business need for a further extension to this quarry. The existing reserves meet the demand for crushed stone to 2031 and beyond.

Thirdly; is there demand for the stone?

We believe that there is no demonstrable demand for this stone as:

- The West Yorkshire Combined Authority Report and the Local Aggregate Assessment Report both identify a very significant Landbank; and
- North Yorkshire County Council already have plans to maintain a significant Landbank beyond 2031.
- The applicant refers to there being a significant Landbank but says:
- Magnesian limestone tonnages are considerably less than carboniferous tonnages.
- The distance to markets in the south and east of the County make the Landbank uneconomic on transport grounds, unless moved by rail.
- But what the applicant does not say is that:
- Magnesian limestone, because of its limited use can only supply part of the overall market and this is why tonnages are less than carboniferous limestone.
- Access to reserves in the north of the County are met by the Bedale, Aiskew and Leeming Bypass and the new Acrow Quarry.
- Very little stone is sold in the South Yorkshire Region as demand is met from quarries in Derbyshire and the East Midlands.

The applicant states there is an estimated 150,000 tonnes of building stone and if this is stored in the quarry floor it will represent 40 years supply. There is no evidence to suggest there are 150,000 tonnes of building stone at the quarry nor is there any evidence that demand for building stone cannot be met from the 2 other quarries in the area. The applicant's proposal to bury the stone in the quarry floor could result in hydrological issues and delay full restoration work for up to 40 years.

Fourthly; will the proposal have an adverse impact on the Character and Appearance of the area?

Up to 2010, this quarry had a very small operational area and was set back from the road. The only evidence of the quarry from Wentedge Road was a private access road leading to a few units. Successive planning consents since 2010 have allowed the quarry to swallow up more open agricultural land right up to the road side. The previously open fields and rolling arable landform has now become an enormous hole in the ground which has been partially screened by unsightly bunds and a recently planted hedgerow.

We believe any further quarrying along Wentedge Road will impact significantly on the character and appearance of the area and will accentuate the previous harm that has been caused:

- The extension will remove more open agricultural land within the Green Belt, right up to the side of Wentedge Road, resulting in almost 1500 metres of continuous

- screening along a main road that links 2 historic conservation villages.
- There will be further unwelcome encroachment into the countryside paying no regard to preserving the special character of the historic conservation villages and adjoining nature reserve.
- The large quarry void will not integrate into the landscape due to its unhappy relationship with the adjoining river valley. It is totally at odds with policy about enhancing the natural local environment and recognising the intrinsic character and beauty of the countryside.

This large open arable field will be transformed into an enormous 30 to 35 metre hole in the ground that will become part of the Went Valley Industrial estate. The applicant says that on restoration of the quarry it will enable the land to be returned to a productive after-use such as industrial estate and waste treatment site. When was planning consent granted for this and what happened to restoration of the agricultural land?

There is no need for this stone and there can be no justification to irreversibly damage this historic landscape.

Fifthly; will the proposal have a negative impact on the amenity value of the area? The Nature Reserve is valued by so many people – it attracts thousands of visitors each year. It offers a beautiful, tranquil setting in the countryside for families, hikers, dog walkers, birdwatchers, butterfly and all wildlife enthusiasts.

The Covid 19 pandemic has emphasised the need for quality open space in the countryside. The nature reserve has been visited by thousands of people who do not have the benefit of open countryside on their doorsteps. They have been able to exercise and maintain social distancing because of the openness of the land and the network of established footpaths.

Comments on trip advisor read as follows:

“Peace and tranquillity in a beautiful wildlife reserve. After googling local walks, I chanced upon this little gem. It is an ideal place to take the kids for a picnic and a spot of pond dipping”

“Deer, cattle and rare flowers. If you go down the A1 from the north you will see a beautiful Yorkshire valley in the village of Wentbridge, walk a full circuit to Kirk Smeaton from Wentbridge”

This proposal will bring the quarry right alongside the nature reserve, close to public rights of way that are used extensively by people enjoying the reserve.

Quarrying so close to the reserve, together with noise, dust and poor air quality will have a significant adverse impact on the amenity value of this beautiful area.

Finally; what impact will the proposal have on Traffic and air pollution?

Residents of Kirk Smeaton, Little Smeaton and Wentbridge have suffered filthy roads and road safety issues for the last 10 years. If this planning application is approved then they will have to suffer for at least a further 10, if not 40 years.

Went Valley Aggregates do not comply with planning limitations on traffic.

The stretch of the A1 running north and south from the Quarry is a 1960's dual carriageway. It is one of Wakefield District Council's Air Quality Management Areas. The road cannot cope with the significant volume of traffic that has increased over the years. It is frequently heavily congested and traffic is often at a standstill, spewing toxic emissions into the air. There are plans to widen and re-route this stretch of the A1 but it is

unlikely this will be completed in the next 10 years.

Road Traffic is the primary source of air pollution affecting communities along the A1 and higher than acceptable levels of Nitrogen Dioxide resulted in this stretch of the A1 being designated an Air Quality Management Area.

If the planning application is approved then this will significantly increase the high volume of lorries needed to transport 4.9 million tonnes of quarried stone; and after extraction, import massive quantities of waste materials to partly fill in the quarry void.

These Lorries are in addition to those already visiting the Industrial and Quarry sites. We believe Local Authorities have a duty to reduce emissions from freight and commercial operations – particularly in Air Quality Management Areas – and that development should not be allowed where there is an identified risk to public health. There is no need for this stone and there can be no justification to approve a development that will increase toxic emissions, in what is already designated a ‘poor air quality area’.”

Cllr Barney Byfield presented the following statement:-

“My name is Barney Byfield. I’ve lived in Kirk Smeaton for over 20 years.

My presentation addresses the proposed restoration and I believe the restoration proposed for this site is unacceptable.

It is very difficult to see how the proposed restoration of such a large man-made void can restore or enhance any of the key landscape features of the area including the open landform and the scenic views over surrounding countryside. Indeed views from the east side would be of the apparently unapproved industrial estate in a very large hole. It will not integrate into the existing landscape. Research shows that restoration of such sites is very difficult to achieve. It is simply not feasible to create a naturalistic limestone valley from this huge quarry void.

I would like to quote from the response from John Wainwright of the council’s Heritage Services:

- The application seems incomplete and inconsistent
- I do not agree with the overall summary of adverse effects (which in my view are understated)
- I also think that there is an overly optimistic view of how the restoration scheme would improve local landscape character and the predicted benefits
- The assessment of the proposed development on Green Belt is not sufficiently explained with statements conflicting with national policy
- The restoration proposals should not simply be an enlargement of previous phases, but re-consider the site as a whole, its character, scale and context.

The proposal is to quarry up to 10 metres from the ancient woodland in the nature reserve. Even if this standoff distance were adhered to (which has not happened in the past) this could have serious hydrology implications for the woodland which would effectively be situated on a ridge and could lead to die-off of trees and other plants. Corresponding damage could also occur to the SSSI grassland to the east. Even after restoration there would be a huge hole on the south side of this woodland

There are serious concerns about the quantity and quality of waste materials that will be

brought to site. The Nature Reserve owes its very special ecological status to the limestone that runs close to the land surface. Unless the waste is appropriate and strictly regulated this could result in sub-strata that will not be consistent with those in the adjoining SSSI nor with the stated objective of developing a species rich wildflower meadow.

Transportation of this huge amount of waste material also has serious adverse impacts over a considerable time period.

The restoration will not result in an attractive amenity. Access to the site would be through the industrial estate in the quarry void and may not be freely open.

The existing Section 106 agreement has neither been complied with nor enforced to date, so we do not have any faith that the proposed conditions or restoration would be complied with either.

The plan to store stone in the quarry base for up to 40 years, together with the scale of the industrial estate is likely to delay or even prevent restoration.

In conclusion, I agree with your own expert who says that the adverse effects have been understated and the restoration is over-optimistic.

Even assuming compliance, the proposed restoration and enhancement is inadequate. We will just lose more green belt for a gaping void with a large industrial estate in the bottom.”

Prof Tricia Storey presented the following statement:-

“My name is Professor Tricia Storey, Chair Kirk Smeaton Parish Council.

The National Planning Policy Framework and Local Development Plans acknowledge the need for mineral extraction, but also recognise that significant adverse impacts can occur in the Green Belt and wider countryside. Mineral extraction is therefore only permitted in circumstances where the benefits clearly outweigh the adverse impacts when measured and assessed against the NPPF and Local Plans.

It seems abundantly clear that planning permission should only be granted when -

1. There is demonstrable need,
2. Where the harm caused by the adverse impacts, highlighted by so many individuals and public bodies, is clearly outweighed by the benefits of the proposed Quarry extension, and very special circumstances can justify the development.

The risk of irreparable damage to the SSSI stands out as one of the greatest concerns. This concern is heightened by objections from Nigel Adams MP, Yorkshire Wildlife Trust, Friends of Brockdale, several Parish Councils, hundreds of village residents and over 1170 people in an on-line petition.

The NPPF is quite clear that “if significant harm to biodiversity resulting from the development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort compensated for. Then planning permission should be refused.

This is about balance, protecting the environment or extracting 4.9 million tons of stone.

The recent Queen’s speech stated that our Government’s priority will be to place more weight on taking care of the environment. The Environment Bill, shortly to become law,

will include the establishment of new environmental principles and legally binding targets. Page 128 states “Protecting nature by mandating biodiversity net gain in the planning system and delivering thriving natural spaces for communities.”

It is therefore incumbent on North Yorkshire County Council, a public body, underpinned by the Nolan Principles to:

- SAFEGUARD the open character of the Green Belt
- SAFEGUARD scenic and long-distance views that have existed for many years
- SAFEGUARD and PROTECT the character of the historic environment
- PROTECT the nature reserve, a Site of Special Scientific Interest from harm
- PROTECT a locally distinctive landscape and area of tranquillity in these times of Pandemic
- PROTECT best and most versatile agricultural land and acknowledge the importance of landscape, amenity, recreational and nature resource value
- CONTRIBUTE towards improving poor air quality in a designated Air Quality Management Area
- CONTRIBUTE towards the physical, mental, social and cultural wellbeing of local communities
- ENSURE there is no cumulative effect of mineral extraction in the local area
- ENCOURAGE the use of substitute or secondary recycled materials
- STEER future developments away from areas of environmental and agricultural quality.

For all of these reasons, this application should be Refused Planning Permission. Would this quarrying in a sensitive location deliver a thriving natural space for the local community in accordance with the governments aims? NO.”

Laura Hobbs – Yorkshire Wildlife Trust presented the following statement:-

Yorkshire Wildlife Trust ask the planning committee to refuse planning permission for Went Edge Quarry extension due to the potentially significant impacts to a nationally designated site, Brockdale Site of Special Scientific Interest (SSSI) which is partly owned and managed by the Trust.

We object to the application as we do not believe sufficient mitigation measures have been put in place to avoid significant deterioration of the site. Nor do we believe that the restoration scheme can enhance biodiversity in the short or long term, as there remains outstanding concerns over its feasibility and the ability of the S106 to secure this, particularly with the insufficient funds proposed.

In accordance with the Habitats Directive, national and local policies including SP 18, ENV 11, there is a requirement to safeguard these sites from inappropriate development. Brockdale is designated for its ancient grassland and woodland habitats, areas which have been unchanged since the 1600's and are considered irreplaceable under the National Planning Policy Framework (NPPF).

97% of such grassland has been lost in Britain since the 1930's. As irreplaceable habitats, there must be consideration for indirect impacts with regards to national and local policy. The NPPF states that development resulting in loss or deterioration must be refused, unless there are wholly exceptional reasons and a suitable compensation strategy. This is further reflected in local policy ENV11. These criteria have not been fulfilled for the proposed quarry extension.

Ancient grassland and woodland habitats are also listed as Habitats of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act (2006), which puts further duty on public authorities to conserve biodiversity.

We have serious concerns about dust and hydrological impacts resulting in significant shifts in habitat composition and, ultimately, the loss of flora and fauna species which are rare both locally and nationally. This includes the impact of particles which are not visible to the naked eye. Despite our requests, the current mitigation strategies do not go far enough to provide confidence that such impacts will be avoided. No ecological monitoring has been undertaken in the past to verify the level of impacts which may occur from quarrying; however the quarry has been implicated by Natural England in a number of enforcement cases for damage to the SSSI.

Likely impacts are therefore very hard to predict, given the specialised nature of species sensitive to minimal changes. Research published in 2013 concluded that these habitats take over 150 years to recover from damage. The proposed restoration and S106, which still hold a number of errors and concerns over their viability, therefore cannot possibly compensate for these impacts and loss of rare species and habitats on site.

The impact of proposals on specific species has been outlined in detail by the Brockadale Friends of Group, who we fully support.

We therefore believe the proposals are not in accordance with European, National or Local legislation and policy, and impacts upon biodiversity are significant and irreversible. As a nationally recognised site of significant importance it is the duty of the local authority to protect these features and as such we strongly recommend that the application is refused.”

Jenny Hawley - Plantlife presented the following statement:-

“Thank you for the opportunity to speak today. I am speaking on behalf of Plantlife, a British conservation charity which works to save wild plants and fungi.

Plantlife objects to the proposed quarry extension due to the damage that it will cause to rare and important wildlife, ancient grassland and ancient woodland on the SSSI. Plantlife is the owner of Thompson Meadow, which is part of the Brockadale SSSI and lies immediately adjacent to the proposed quarry extension on its eastern edge. The meadow is managed on our behalf by Yorkshire Wildlife Trust and Plantlife supports their statement to the committee today.

In Britain, we have lost 97% of our wildflower meadows in the last century and we simply cannot afford to lose any more. Thompson Meadow is one of the last remaining meadows and these are critical in solving the current crises for people – following the pandemic – for nature and for our climate.

The magnesian limestone grassland of the meadow is very rare in Britain. Its wildflowers are diverse and exceptional, including 59 species that are rare and declining within Yorkshire. This is a site that the Council should be proud to host and protect.

We are deeply concerned that the meadow and its exceptional wildlife will be adversely impacted by dust from the quarry, damaging the ecology of the whole habitat. There is no reliable evidence in the application that this risk will be adequately managed, monitored or mitigated. The existing quarry is over 400m from important grassland areas in the SSSI, whereas the extension will reach to the very edge of Thompson Meadow.

SSSIs are the only wildlife sites in England which have any meaningful legal protection. Quarrying adjacent to this SSSI is “likely to have an adverse effect” and we do not believe that there are any overriding reasons for this development that could be considered to “outweigh” the likely impact on the SSSI. The council has a legal duty to protect SSSIs and biodiversity; fulfilment of this duty is not consistent with approval of this application.

Finally, Plantlife strongly believes that opportunities for people to enjoy contact with nature and quiet outdoor recreation at Brockadale nature reserve must be protected and enhanced wherever possible. The experience of the Covid pandemic has emphasised the importance of this for our health and wellbeing. We are concerned that noise generated by blasting activity within the quarry extension, plus the continued traffic of lorries, will both significantly spoil local people’s enjoyment of the reserve. We urge the Committee to refuse planning permission in this case.”

The following statement from Martin Donlon was read out by Clerk, a copy having previously been circulated to members of the committee:-

“I feel I need to comment on the letter from John Carlon dated 12 June 2020
Mr. Carlon says "The local village residents have been made aware of the proposal from the discussion at the planning liaison meetings with the applicant and the parish council since early 2018. Unfortunately, despite requests from Mr. Meakin the owner of the quarry these liaison meetings have not been attended by representatives of the Parish Council or volunteers of the YWT who look after the Brockadale plantation for over 18 months". The PRFC need to know that only 4 liaison meetings took place, and these were instigated by the Parish Council even though Mr. Meakin was supposed to have arranged the meetings. There were never any 'requests from Mr. Meakin' to attend future liaison meetings because he never arranged any.

Mr. Carlon says "Turning to the YWT response dated 29 November 2019 where they maintain their holding objection these matters had been addressed..." He was clearly wrong to report these matters had been addressed as YWT submitted a further representation on 2 July 2020 stating that they wished to uphold their objection because of unacceptable impacts to the SSSI, lack of confidence regarding the restoration proposals and the failure to demonstrate measurable biodiversity gain for the site. Mr. Carlon talks a great deal about the significance of the standoff areas and bunds to mitigate harm to the SSSI but in respect of the 2016 planning consent this quarry completely ignored the standoff areas that had been agreed. The quarry extracted stone from all of the standoff areas resulting in damage to the ancient woodland, the destruction of a species rich hedgerow and a serious public safety issue.

Mr. Carlon says “Very little management is carried out by YWT in these areas and this is borne out by the ecologist and landscape architect advising the applicant as there are gappy hedges, bramble and other untidy areas in Elwiss meadow and the woodland” Mr. Carlon clearly does not recognise the work carried out by the ‘Friends of Brockadale’ a group of 40 plus conservationists who give their time freely to carry out conservation work and monitor and record plant and wildlife in the SSSI and neither does he recognise that conservation work in a wildlife nature reserve is about creating natural habitats in brambles and other untidy areas and creating conditions and areas where wildlife, wildflowers and plants can thrive and flourish. It is not about mowing grass, cutting hedges and removing fallen trees and branches.

YWT and the Friends of Brockadale are the experts on nature conservation, and I hope NYCC will take on board what they report. It seems very clear that there are no mitigation

measures that can guarantee to safeguard the SSSI from harm. The harm to plant and wildlife in the SSSI could prove quite catastrophic.

Mr. Carlon says, "Natural England welcomes the restoration proposals submitted and would expect the highest levels of restoration to be achieved" Contrary to what Mr. Carlon says Natural England said no such thing about welcoming the restoration proposals. What they said is that they welcomed the applicants ongoing engagement with YWT regarding the restoration and aftercare of the proposed extension. YWT in their letter of objection on 2 July 2020 say "Whilst we are in discussion with the applicant with regards to restoration schemes and our potential involvement, this has not yet been clearly defined, nor agreed, and we feel does not currently provide any confidence to be an influential consideration in support of this application".

Mr. Carlon suggests that a high-quality restoration scheme will be achieved by creating calcareous grassland and woodland in a limestone valley. But this clearly cannot be achieved now that the applicant has created a large industrial estate that covers 50% of the quarry floor? A high standard of green belt restoration cannot be achieved in such a large industrial area.

Neither can a replica landform resembling anything like a valley be achieved because following the introduction of the industrial estate the quarry void is not sufficiently elongated, but regardless can the proposal still deliver a high-quality restoration scheme. YWT do not believe this is possible and a research paper written by Peter Dunleavy gives validity to their concerns.

YWT in their objection letter 2 July 2020 say "...there is no confidence at this stage that the restoration proposals are feasible. There has been no legally binding commitment from the applicant, and there are still outstanding concerns with regards to the ability to source material to allow the restoration to take place. We also have concerns about the ability to recreate a suitable substrate for the proposals due to failed attempts within similar nearby schemes. Such examples include Womersley Quarry which found the use of limestone fines to result in a substrate that was very difficult to seed and created numerous run-off complications resulting in a number of failed attempts to create this habitat. The current proposals to repeat this failed process at Went Edge Quarry are therefore concerning and unlikely to be successful based on the current information that is available".

A paper written by Peter Dunleavy following research into the 'Establishment of species-rich vegetation on reclaimed limestone faces in Derbyshire' concluded:

1. The ecological effects of limestone extraction are far reaching and extreme, resulting in the complete removal of the overlying ecosystem
2. Natural colonisation of disused limestone quarries, especially following modern extraction processes is slow. The timescales involved in the creation of species rich calcareous grassland communities (possibly hundreds of years) are not considered acceptable as a reclamation or restoration strategy.
3. There is significantly more bare ground, fewer herbaceous plant species, less vegetation cover and lower diversity on landform replications than on natural daleside.

The concerns raised by YWT and the findings contained in the research paper written by Peter Dunleavy do not provide any confidence that the restoration and after care proposals for the quarry can be delivered to a high standard.

Mr. Carlon believes the proposal preserves the openness of the GB and does not conflict with the purpose of 'safeguarding the countryside from encroachment' The proposal can hardly be deemed to preserve openness and safeguard the countryside from encroachment now that the industrial estate covers most of the quarry floor. The development will result in the permanent loss of COUNTRYSIDE LAND so it would be spurious to argue that it 'safeguarded the countryside from encroachment'

I am sure the PRFC will agree that Countryside is defined as:

- Land that is not in towns, cities or industrial areas and is used for farming or left in its natural state
- Land that is in an open countryside setting
- Land that is open and accessible to the public to enter or view
- Land that is in a reasonably peaceful and tranquil setting.

This green field fulfils all the requirements outlined above but once the land is quarried it will no longer be part of the countryside because it will identify with and become part of the Went Valley Industrial Estate. The applicant says this in the revised planning statement "Facilitate the restoration of the quarry enabling the land to be returned to a productive after-use such as an industrial estate and waste treatment site" The site will not be readily accessible for the public to enter or view as access will be through the industrial estate and will be restricted to accompanied and pre-arranged visits. The constant HGV's that enter and leave the quarry, and noise from industrial operations within the industrial estate will not give rise to a peaceful and tranquil setting.

So, after restoration the land will not be restored back into the countryside because:

- It will coalesce with the existing quarry void and become part of an industrial estate
- It will not be left in its natural state and it will not be used for farming
- It will not generally be open and accessible for the public to enter or view
- It will not be in a peaceful and tranquil setting.

I hope you will take on board the comments I have made.

John Carlon, the agent for the applicant presented the following statement:-

I should like to thank the Chair and fellow members of the Planning Committee for providing the time for me as agent to speak to the Committee about this application. I should like to thank the Planning Team at the Council for preparing a thorough and detailed planning report to Committee, particularly Mr.Perigo for picking up the planning application and the detailed design and mitigation proposals within the Environmental Statement for the report.

I should also like to thank the County Ecologist, the County Landscape Architect and the County Archaeologist for their input and advice on the proposal to extract limestone to a depth of 35 metres. The discussions and amendments to the scheme were undertaken at the behest of Felicity Hart to provide more details on the restoration scheme to meet the objectives regarding landscape and biodiversity in the County and Selby District Council.

Background

As a bit of background information, I have been involved with this quarry for over 20 years and submitted the previous applications referred to in the section on planning history on page 10 paragraph 2.17. To accompany those planning applications there have been environmental statements to support the applications submitted since 2010

and that included specialist reports on ecology, landscape and visual impact, noise and dust. The applicant has abided by the schemes and management procedures agreed with the County Planning Authority to minimise or to eliminate impacts to the Brockadale SSSI when those earlier planning applications were granted.

The ecologist and landscape architect who advise the applicant on the management of the land, including part of Brockadale Plantation, some of which the director owns, have not recorded any deterioration to the woodland or the meadows within the SSSI since quarrying started at the same level as it is now in 2006.

The quarry has been operational with crushers and screens processing limestone since 1993 and the current landowner has steadily built up the business to provide high quality Magnesium Limestone aggregates, building stone and agricultural lime from the quarry. The business also processes construction waste to provide high value secondary aggregates that have been processed through the wash plant to produce a wide range of secondary aggregates consisting of broken brick, concrete, and stone. The residue which is soil is used to restore the quarry by placing it against the face where the limestone has been worked to the limit of extraction to provide a slope from the surface to the bottom of the quarry.

Currently the quarry and waste management operation employ 30 people driving machines, operating the plant, servicing the equipment, administrative office staff and the managers. The company rely upon the reserves of limestone to be able to continue the supply of primary aggregates and the waste management operation provides the material for the company to restore the quarry as they progress the operation eastward. The company are currently restoring parts of the planning permission land that was granted for areas 3, 4, 5 and 6 under permission numbers NY2016/0185/ENV and NY/2014/0113/ENV discussed in paragraph 2.17.

From the previous work undertaken at the quarry by the ecologist there is a great degree of confidence by the applicant that they will achieve what is proposed for area 8. They have extracted 4 million tonnes since 2013 and progressively backfilled the excavations on the south side of the quarry against the standoff for Went Edge Road using both quarry material and soil from the wash plant.

Planning Application

Regarding paragraph 3.10 of the planning report, the applicant did commission specialist reports on the ecology, noise management, dust and air quality management, landscape and visual impact, hydrology and hydrogeology, stability and the phased restoration of the site. The consultants worked on the previous applications and accompanying environmental statements, so have a long history of monitoring the management of the site and potential impacts on the SSSI. From the reports received and advice given to the applicant and discussed with the planning officer there is little or no risk to the SSSI from further quarrying in area 8 that cannot be managed. The unique habitat of woodland and calcareous meadow will remain, as will the rare species of flora noted in the SSSI and discussed in the objections from the Parish Council, Yorkshire Wildlife Trust and other stakeholders.

The company has worked with Natural England to agree a scheme to undertake tree planting along the northern boundary of the application area to protect the woodland and to install a small swale, or trench in the site to catch water and soil erosion if it were to occur.

There will be a minimum 10 metres wide standoff from the boundary with the Brockadale

plantation. The statutory consultees do not object to the extension to the quarry, subject to robust planning conditions and agreements controlling emissions which the Planning Officer has prepared and these have been agreed with the applicant. The applicant has reviewed the objections to the proposed extension with their advisors and the main objections that remain are the Parish Council and residents in the area. Yorkshire Wildlife Trust and Plantlife have objected to the proposal citing effect on the flora and fauna from noise, dust, water depletion, runoff of water, soil erosion, the main concern being dust deposits on Thompson's and Elwiss' meadow on the eastern boundary of the proposed extension. None of these objectors have provided evidence in the form of a report of the potential impacts on the SSSI, as far as the applicant is aware, as they nor their advisors have had sight of any evidence. The applicant has seen no recorded notes on the deterioration of the woodland and meadow from the stewards and friends who look after the Plantation. This is despite previous meetings with them to discuss the management of the SSSI and adjacent land whilst quarrying the existing site, where they could have voiced any concerns.

The applicant, and the team advising the company held several meetings in June to December 2019 arranged by Felicity Hart, the Senior Mineral Planning Officer, with the the County Ecologist, the County Landscape Officer and the Environmental Health Officer who is at Selby District Council as discussed in paragraphs 3.11 to 3.29 of the Planning Report. They have no objection to the operation now that safeguards proposed by the consultees at those meetings have been included within the scheme. They are familiar with the previous applications that have been granted planning permission and the Section 106 agreements in place on those planning permissions to extend the period from restoration and aftercare from 5 years to 10 years. The applicant has agreed a similar section 106 agreement for this application.

The scheme also includes the benefit of a path from the public footpath at Thompson's meadow running alongside Went Edge Road, inside the 30 metres wide standoff, to the public footpath to the west of the quarry access, from Went Edge Road that will be implemented as soon as practicable. This was agreed with the Landscape Officer at the meeting in December 2019.

Natural England

Discussed in paragraph 4.7 Natural England raised an objection on the 19th of April 2019 about the proposal and the risk of dust deposits on plants including alkaline deposits from cement dust. There is no proposal to deal with cement within the application area nor in the existing quarry and where the construction waste is processed in the current working area the process is wet so there will be no dust arisings. Natural England (NE) also raised concerns about the edge protection bund on top of the face which is required by the Health and Safety Executive unless there are other means of edge protection. NE asked for a belt of trees 5 metres wide along the line of the SSSI and a fence to protect the tree belt. The applicant is happy to erect a fence and plant trees so the edge protection bund may no longer be required. The monitoring requested by NE discussed in paragraph 4.8 is already in place on the existing quarry.

Yorkshire Wildlife Trust

The Trust has raised an objection to the application based on the perceived impact on the meadows and the ancient woodland within the SSSI. The owner of the land and the company take the objection to the scheme seriously and have entered in to talks with the Trust to manage the site once it is restored as part of their ongoing work on the SSSI after the extraction and restoration of the whole site. Whilst the Wildlife Trust maintain their objection to the proposal, in that the scheme has the potential to damage the SSSI, they have not produced any evidence of this, and indeed have provided evidence to

the contrary, in that the unique flora and habitat still exists in the SSSI from the surveys by the Friends of Brockadale as discussed in paragraph 4.17. It is noted that the Trust believe that the restoration scheme will have a benefit to the SSSI and net gain in biodiversity. The applicant company are discussing the long-term management of the 6 site with YWT and the Friends of Brockadale for the existing quarry and discussions will be extended to the extension in area 8.

The company have undertaken ecology assessments on the SSSI and land within the ownership of the landowner, within Brockadale woodland to measure the impact on the SSSI from the quarry and no impact has been noted on the diversity of wildlife and flora. The Trust and Friends of Brockadale have recorded there are rare species in the woodland that are found in limestone country. This would lead the applicant's consultants to conclude that the operation has no effect on the SSSI.

Parish Council

The Parish Council has raised several objections to the proposal to extend the quarry and the effect it could have on the SSSI and note that at present there are over 300 species of flowering plants and an abundance of otherwise rare butterflies and other fauna. They are of the opinion that the operation in area 8 could affect the SSSI through dust emissions.

The quarry has been operational for over 50 years and has been operating at the same rate for over 12 years and to date there is no evidence that dust has caused any deterioration to the woodland flora and fauna. The management of dust has been undertaken on the existing quarry for over 15 years and it is clear, based on the comments from the people involved with the Brockadale Plantation, that the flora is thriving and is unaffected by the proximity of the quarry.

The quarry is 1.3 kilometres from the edge of the village and once phase 81C on the east side is worked, the boundary of the planning permission will be 750 metres from the edge of the village and 50 metres from Thompson's field.

In their objection letters the Parish Council suggest they have been advised that the trees in the SSSI could suffer from water depletion. The woodland is located on a Magnesium Limestone valley side and there are no springs in the woodland and the neighbouring quarry is dry. The water table is beneath the limestone under the course of the River Went so there will be no change to the ground conditions that the woodland is growing in. Limestone is permeable so water falling on the ground saturates the soil and then infiltrates the ground through the limestone and flows east underground to recharge the aquifer under Askern.

Whilst the company acknowledge the objections of the Parish Council relating to landscape, restoration, need for the minerals and potential impacts on the SSSI the applicant considers the consultations undertaken by the Planning Officers and the Council's own experts carry greater weight.

There is no evidence that the quarry will deter visitors to Brockadale Plantation which is borne out by the comment in paragraph 4.50. One gentleman visits the reserve on a regular basis and stated – "I visit the nature reserve because it is located in a scenic open countryside setting and I enjoy the peace and tranquillity the reserve has to offer and enjoy breathing in the fresh air and listening to the rustling of the trees and the birds singing". From this comment one can assume that the quarry and industrial estate have not been noticed by this gentleman nor is it affecting his enjoyment of the reserve with noise and dust emissions. There is unlikely to have been any reduction in numbers

visiting the reserve and over the past 12 months footfall will have increased as people use outdoor space for exercise. The applicant is not aware of any complaints about noise, dust or blasting from the users of the footpaths and most if not all of the objections are from residents in the area.

The applicant disagrees with the Parish Council in that there are no economic benefits to the extension to the quarry. The business provides over 30 jobs and this proposal will extend those employment prospects for another 10 to 12 years adding over £2 million a year to the local economy in wages alone. There are many civil engineering contractors who source their stone from this quarry and have provided letters of support for the business as they are concerned that there will be a large shortage of limestone as Barnsdale Bar and Darrington Quarries cannot meet the demand. Ultimately that will affect their businesses and the future of the region as projects have already been postponed due to shortages of primary aggregates in the Leeds City Region and York.

The Parish Council object that the openness of the agricultural field looking towards the plantation from Went Edge Road, presumably as they pass in their cars, will be affected. The area was mainly fields enclosed with hedgerows until the advent of large farm machinery in the late 1970's so the hedgerows were pulled out to create large fields. The applicant can plant a hedge along Went Edge Road that will restrict the views of the large flat agricultural field from views along Went Edge Road without planning approval.

Plantlife

The applicant acknowledges the concerns of Plantlife about the SSSI Plantation and the protection of the wildflowers. The applicant has provided robust evidence in the form of ecology assessments over many years that concluded the proximity of the quarry has not affected the flora in the plantation or on the borders of it, and therefore with the current management schemes in place the SSSI is protected from dust emissions. As regards the uncertainty of the restoration proposal being deliverable, restoration with backfilling is currently taking place in the existing quarry on the west side and in the standoff along the side of Went Edge Road as part of the Section 106 agreements signed for the earlier planning permission.

Darrington Parish Council, Brockdale Reserve Supporters Group and Butterfly Conservation in Yorkshire have all expressed concerns about limestone dust affecting the flora. The site is a 10 hectare, 25 acre field that is currently ploughed, harrowed, sprayed, harvested, baled and the ploughed again each year so there is likely to have been dust sources from this activity over the past 30 years and there has been no evidence of agricultural activity affecting the SSSI with the quarry in close proximity.

Conclusion

The applicant acknowledges the concerns of the objectors and can understand why people do not want quarries in their area, but as the landowner, who lives in the area, has been quarrying at Went Edge for over 30 years he has not seen any evidence of there being a deterioration of the conditions of the SSSI due to the quarry. As mentioned at the beginning of this statement I have been involved with the quarry since 1999 and I have seen no evidence the SSSI is affected by the quarry. The ecologist advising the company believes that the quarry may well have enhanced the SSSI as the margins of the quarry are unkept providing habitat for birds and invertebrates.

The management schemes in place at the quarry are obviously working as there are no dust deposits, no complaints about noise, occasional complaints about blasting, which have been monitored and found to be within the limits set on the planning permission. Traffic movements to and from the quarry are a complaint which reduce the speed on

Went Edge Road of other traffic users as lorries travel to the A1 to go south or north. There is no evidence that the extension to the quarry will affect the Brockadale Plantation based on the existing operation and the visual impact has been mitigated by a landscaping and planting scheme much the same as the previous ones granted planning permission.

The Planning Report deals with the issues in detail and delicately balances the potential impact of the quarry against the need for the mineral, the economic and social aspects of continued employment and the final benefit of the restoration of the site and I respectfully request that the Planning Committee grant planning permission for the extension of the quarry into Area 8.

I shall be happy to answer any questions that the members of the planning committee have.”

Following the public statements a representative of the Head of Planning Services presented the Committee report, highlighting the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy and planning considerations. The reports also provided a conclusion and recommendations. He provided details to address the issues that had been raised during the public questions/statements session which were also set out in the reports.

Detailed plans, photographs and visual information were presented to complement the report.

The presentation highlighted the following primary issues in relation to the application:-

- The principle of the proposed development;
- Need for the mineral;
- Impact on the Green Belt;
- Impact on the landscape;
- Impacts on the biodiversity, habitats, nature conservation and protected species, most particularly associated with Brockadale SSSI;
- Flood risk and drainage, water quality and resources;
- Local amenity (noise, vibration, light pollution) and air quality (emissions, odour and dust);
- Soils and agricultural land use;
- Highways matters- Traffic and transport;
- Public Rights of Way;
- The historic environment;
- Economic and social impacts including employment;
- Restoration and aftercare;
- Legal Agreement.

The Planning Officer updated the Committee on the following issues:-

- Additional objections received since the publication of the report
- A letter in relation to the application from Nigel Adams, MP
- The submission of an online petition objecting to the application for a number of reasons – there were 1,239 signatures with a number from out of the area and abroad
- None of the representations raised material matters different to those already raised

- and detailed within the published report
- Communication had been received from Kirk Smeaton Parish Council indicating that some details within the report were factually incorrect - the issues raised would be addressed during the presentation.
 - Natural England had contacted the Planning Officer stating that they are satisfied with the proposed conditions and that they were content that their concerns set out in their letter dated 30 April 2021 had been addressed and so had withdrawn their objection.

The following corrections to the report were outlined:-

Paragraph 2.15 - The water table is 13.8m AOD, 13m below the floor of the existing quarry and proposed extension area – this should read 6m below the floor

Paragraph 2.15 - The River Went is located in a limestone valley to the north of the existing quarry and proposed extension at a level of 22m AOD – this should read at a level of 20m AOD

Condition 33 - No excavation within Area 8 shall take place below 20 metres AOD at any time – this should read below 19 metres AOD.

Paragraph 9.2 – details of revisions to the Section 106 Legal Agreement being sought were outlined.

Members undertook a detailed discussion of the application and the following issues and points were highlighted during that discussion:-

- A Member expressed concerns that a further communication from Natural England referred to by the Planning Officer, indicating that they were satisfied with the proposal had not been made public. A copy of the letter, which appeared publicly on the Planning Portal, was provided. The Member suggested that the letter was unclear. In response it was stated that an email had been received prior to the meeting from Natural England confirming they were satisfied with the proposed conditions and were content that their concerns set out in their letter dated 30 April 2021 have been addressed and this was read to the Committee. The Member suggested that the email should also have been published.
- It was asked whether loss of views, which had been raised by objectors, was a material planning consideration. In response it was stated that impact on the landscape and openness were material concerns, but less weight was given to loss of views.
- It was asked whether the demand for the stone was a commercial issue rather than a material planning matter. In response it was stated that the demand for the stone was a commercial matter, driven by the markets, but there was an obligation for NYCC to ensure there was sufficient minerals available to meet the demand and to ensure that the land-bank remained at an appropriate level, therefore, a rolling programme was required.
- A Member noted that whatever the outcome of the application today, the work and buildings within the existing quarry would remain. In response it was stated that whilst some of the industrial practices currently taking place had the appropriate planning permission in place, others were currently under investigation to determine whether planning permission had been given. However, this was not material to the current application and it was emphasised that there were no proposals for additional use or industrial development within Area 8, the application site.
- It was clarified that, in relation to openness in the Green Belt, planning permission was not required for the planting of hedgerows, and this could be carried out by any

appropriate party. It was noted that the planting of hedgerows provided an opportunity for ecological diversity.

- It was clarified that a new Section 106 agreement being sought would see the restoration and aftercare for the site moved to the responsibility of the applicant, rather than a third party provider. It was emphasised, after a Member raised concerns about this, that the legal agreement was enforceable, in a similar way to a planning permission, and any deviation away from the agreement being followed could lead to enforcement action being taken.
- A Member requested details of what the restored land would be like and what would happen to the soil that was stripped back during the extraction of the stone. In response it was stated that the restoration would provide a gently sloping feature with calcareous, open grassland, woodland and areas of water. In relation to the soil it was stated that this would be stripped down to around one metre and investigations would be undertaken in relation to any possible archaeological features that may be present. The top soil and sub soil would be retained on the site, seeded and planted, and used in the restoration plan.
- It was asked why the applicant had not sought to obtain planning permission for the extraction of stone from the land when the current planning permission was obtained. In response the Planning Officer stated that there was no obligation for the applicant to do this and there was no requirement to divulge future intentions, however, circumstances in terms of land ownership could have changed over time, resulting in the application.
- The principle of need for the stone was reiterated, for North Yorkshire and the sub-region in response to a request for clarification from a Member. A Member raised concern that the principle of need was based on figures obtained in 2016 and considered the figures to have been manipulated to highlight that principle. The suggestion that the figures had been manipulated was refuted and it was emphasised that further documents since then had indicated the need for magnesium limestone in North Yorkshire and the sub-region. It was also noted that the agent for the applicant had highlighted a shortfall of the stone for projects in Leeds and York, demonstrating the need. The Member considered that the agent was obliged to argue the case for a need for the stone and suggested that the majority would be for use outside of Selby and North Yorkshire. He considered that the issue raised earlier in respect of those signing the petition being from outside the area should equally be applied to the use of the stone. In response it was emphasised that it was understood that not all the stone was for the area, but the market for the product was not a material planning consideration. In terms of the petition it was noted that the highlighting of the areas from where signatures had been obtained was to demonstrate the breadth of concern regarding the proposal and it was emphasised that equal weight had been given to those opposing and those supporting the application.
- A Member stated that the quarry was not currently producing stone. In response it was stated that, at the time when the application was submitted stone was still being extracted. The quarry was currently producing sand, and would return to extracting stone should the application be approved to meet the need identified. The Member suggested that in terms of the workforce currently employed there the success of the application would have little impact on their employment. He also noted that despite claims that there were no plans to expand the industrial practices and businesses in the application site, there had not been in the original quarry, therefore this was not a guarantee that this would not take place. The Planning Officer emphasised that for the purposes of the application before Members there were no proposals for expanding to other uses, therefore the application should be determined on that basis.
- In terms of the restoration plan, a Member noted that the land was for sale and asked who would be responsible for the restoration should the land be sold. In response the

Committee's Legal representative clarified that the purchaser of the land would be responsible for the restoration as set out in the Section 106 Legal Agreement, and this would be made clear when the sale took place through the Land Charges notification, produced at the time of the sale.

- A Member noted that Natural England had stated that they were opposed to the application unless suitable protection was put in place for the adjacent SSSI, but he could not find a Condition that provided that. In response it was stated that Condition 39 provided that assurance. The Member stated that he was not sure that the Condition provided the assurance that Natural England had required, but noted that they had withdrawn their objection.
- A Member referred to the agent's statement relating to the weight that should be attributed to the Planning Officers and experts at NYCC in terms of their interpretation of the application. He noted that the Council's Landscape Architect had objected to the proposal initially, and sought clarification as to when the Officer's opinion had changed. The Planning Officer stated that Section 4 of the report highlighted the views on landscape, with paragraph 4.54 indicating the comments of the Landscape Architect, which had been provided initially in November 2019 and updated in May 2020. The acceptance of some aspects of the proposal were outlined. The Member stated that he could not find details of the Landscape Architect changing his initial objections to the application on the Planning Portal, noting that the most recent response maintained an objection and highlighted a number of issues that were considered to be unacceptable. Details of the most recent response (May 2020) were displayed to the Committee, and the Member noted that this stated that there were elements of the proposals that were considered to be unacceptable, including the openness of the Green Belt. The Planning Officer emphasised that it was unclear whether the reference within the response was to the letter or the Green Belt, and noted that the development was acceptable in the Green Belt. He noted that the District Council had stated that the proposals were not unacceptable in the Green Belt, that openness would not be affected, that it was not in conflict with policies and, consequently, did not raise an objection on the impact on the landscape. The Planning Officer stated that he had utilised the information provided to produce a balanced report and fully reflect the information provided on each issue. The Head of Planning Services stated that reports were developed utilising a mixture of the information provided by consultees, and interpreted accordingly. The Chairman emphasised that Members would take account of the issues raised and make a decision as they thought appropriate. The Member accused the Planning Officer of providing a biased and misleading report, and that he had lied in relation to the comments submitted by the Landscape Architect. The Planning Officer raised concerns regarding the language being used by the Member, the accusations made, being in the public domain and recorded, and then sought advice from Committee's Legal representative as to acceptability of the Member's continued use of such language. The Committee's Legal representative stated that it was correct for the Planning Officer to interpret the responses provided for the production of the report, and the Member was entitled to express an opinion on that, however, it was not acceptable for the Officer to be accused of lying and Members should be mindful of the terminology they use. The Committee's Legal representative referred members to the Council's Code of Conduct. The Chairman emphasised that the terms used by the Member were unacceptable and consideration would be given as to whether the matter would be referred for investigation. The Member reiterated that he did not believe that he was being provided with an accurate interpretation of what the Landscape Architect had submitted in response to the matter.
- A Member considered that there were sufficient resources of this type of stone available for the next 10 years, with a number of other quarries in the area also having permission to extract this, and questioned the need for the quarry extension.

The Planning Officer acknowledged that other quarries were extracting the stone, but noted that there were time limits in terms of their viable production, and the need to maintain the land-bank of the resource was a justification for the application. A rolling programme of extraction was required to maintain the availability of the stone, and the extension to this existing quarry would make a valuable contribution to that. The Member considered that there would be sufficient stone available without the extension.

- It was clarified that the application did not conflict with the NPPF or the emerging Selby Local Plan as exceptions for such activity were allowed within the Green Belt, where it was not considered to be inappropriate, and this was not felt to be.

Members summed up their consideration of the report and the following points were made:-

- The application was finely balanced in terms of the need for the stone and the impact on the local area.
- The SSSI had existed adjacent to the quarry for many years.
- A factor in applying for the planning permission could be the sale of the land – the Committee’s Legal representative emphasised that land ownership, or the future of that, was not a material planning consideration and should not be taken account of in any decision.
- There were other examples of SSSIs alongside disused quarries in North Yorkshire, with restoration having not been undertaken as expected.
- The proposal would not bring any benefit to the neighbouring communities.
- There was no need for the stone.
- The Landscape Architect did not support the application as presented.
- The quarry would be closer to the SSSI. There were only two SSSIs in the Selby District and they required protection.
- The restoration scheme would assist the environment and would be beneficial to the area.

Resolved: - that, subject to any comments Members may have, the following be proposed to the Chief Executive Officer for consideration under his emergency delegated powers:-

the application be approved for the reasons stated in the report, subject to the amendments detailed above, in accordance with the conditions outlined, subject to the amendment to Condition 33, detailed above, and subject to the successful completion of a Section 106 agreement, as detailed.

219. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 2 March 2021 to 13 April 2021 inclusive.

Resolved -

That the report be noted.

220. Publication by Local Authorities of Information about the handling of Planning Applications

Considered -

The report of the Corporate Director - Business and Environmental Services outlining the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 4, the period 1 January to 31 March 2021.

Resolved -

That the report be noted.

The meeting concluded at 14.05

SL

DRAFT